DOCUMENT RESUME

ED 177 447 CG 013 885

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TITLE	Sex Equity in Self-Views, in School Practices, in Career Counseling: Leader's Guide and Participant Workbook.
INSTITUTION	City Univ. of New York, N.Y. Inst. for Research and Development in Occupational Education.
SPONS AGENCY	New York State Education Dept., Albany. Office of Occupational and Continuing Education.
PUB DATE	Oct 78
GRANT	VEA-78-3F-191-SB
NOTE	150p.; Best copy available
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Administrative Personnel; Administrator Role; *Career Choice; Career Development; Counselor Role; *Discriminatory Attitudes (Social); *Discriminatory Legislation; *Leadership; *Legislation; Secondary Education; Secondary School Counselors; *Sex Fairness; *Vocational Counseling; Workshops

ABSTRACT

This guide is designed to help leaders responsible for conducting sex equity workshops achieve maximum effectiveness from the workshop materials and the participant workbook, also contained in this guide. Participant materials are designed primarly for secondary school counselors and administrators who are either directly or indirectly concerned with students making career decisions. The Leader's Guide provides suggestions, time structures, guidelines and preparation information. The Participant Workbook addresses the following areas of concern: (1) examining personal views on sex fairness; (2) understanding sex equity legislation; and (3) developing strategies for sex-fair career counseling.
(Author/HLM)

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LEADER'S GUIDE

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SEX EQUITY

in self-views
in school practices
in career counseling

Deanna Chitayat
Harvey Lieberman
Judith Waters

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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CG013885

Institute for Research and Development
in Occupational Education
Center for Advanced Study in Education
The Graduate School and University Center
of the City University of New York

in cooperation with
The New York State Education Department
University of The State of New York
Office of Occupational and Continuing Education,
Special Programs

CASE 24-78
October 1978

The materials herein were developed under
VEA Grant No. 78-3F-191 SB

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Example: Section I, Activity I-1 Occupations:
Leaders' Guide notes are on gray pages, 12-17
Participant Workbook exercises are on white pages, PW 6, PW 7.

FOREWORD

To meet obligations prescribed under Title IX of the Education Amendments of 1972 and the Vocational Education Amendments of 1976 the Institute for Research and Development in Occupational Education (IRDOE), in concert with the Supervisor of Special Programs for the Office of Occupations and Continuing Education (OOCE), developed a conceptual framework for a workshop designed to serve counselors and administrators concerned with vocational education pursuits of students. A proposal was developed and a grant ultimately awarded for the development of a series of exercises which would help educators gain an enhanced appreciation for sex equity.

These materials should provide for increased participant sensitivity regarding self-views, school practices, and career counseling. The Institute encourages the use of the materials by all school systems.

Lee Cohen, Ph.D.
Professor, Director, IRDOE

ACKNOWLEDGEMENTS

Our thanks go to many people who have helped in the preparation and testing of these materials.

Carol Jabonaski, Coordinator of Special Programs, Office of Occupational and Continuing Education, New York State Department of Education, has given us great encouragement in the course of this project development and has inspired us with her interest in sex equity issues.

Administrators and counselors in various school settings were generous with their time in reacting to our materials, and also in arranging and conducting the testing of the materials. We are particularly indebted to the following:

Dr. Michael Freedman, Director of Occupational and Continuing Education, Greene County BOCES

Mr. George Quarles, Chief Administrator, Center for Career and Occupational Education, New York City Board of Education

Ms. Deborah E. Perlmutter, Coordinator of Research Programs, New York City Board of Education

Ms. Barbara Green, Coordinator of Programs to Reduce Educational Sex-Stereotyping, New York City Board of Education

Ms. Amy Downey, Assistant to Coordinator of Programs to Reduce Educational Sex-Stereotyping, New York City Board of Education

Mr. Matthew Levy, Supervisor of Occupational Education, Nassau County BOCES

Dr. Marge Brusasco, Project Officer, Nassau County BOCES

Mr. Harold Dworetzky, Assistant Director, BOCES Midwestchester Center for Occupational Education

Ms. Florence R. Rapoport, Title IX Coordinator, Great Neck Public Schools

Mr. Daniel DeKimpe, Coordinator of Occupational Education, Columbia-Greene Area Occupational Center

We wish to thank Didactic Systems for their assistance in the planning and developing of the workshop materials.

Dr. Lee Cohen, Director of the Institute for Research and Development in Occupational Education (IRDOE) has long and continuously supported issues related to sex equity.

Professor Anita Baskind, Bronx Community College Career Counselor, helped review early drafts and brought an additional counseling perspective to our materials.

To our secretarial staff, our thanks for their care and attention to the minute details of translating our work to readable pages.

Deanna Chitayat
Harvey Lieberman
Judith Waters

PURPOSE OF THIS LEADER'S GUIDE

This guide is intended to help workshop leaders, responsible for conducting the workshop on Sex Equity, achieve maximum effectiveness from materials used during the program. Its purpose is not to replace any lecture and/or discussion notes prepared by the workshop leader, but to add to those thoughts and approaches.

TARGET AUDIENCE

The Sex Equity Workshop has been designed primarily for secondary school counselors and administrators who are either directly or indirectly concerned with students making career decisions.

Teachers not directly involved with counseling might also want to participate in this workshop. It can help them clarify their personal views and sharpen their understanding of sex equity in schools.

PROGRAM OPTIONS

This workshop can be conducted in several different formats to accommodate a variety of scheduling approaches.

- o OPTION A: Since the workshop contains approximately eight to nine hours of program materials, it can be conducted as one, day-long workshop, or as a program which begins in the evening, with a session of approximately two hours, and continues the next day. If you use either of these approaches be sure to allow sufficient time for coffee, meal, and "stretch" breaks.

- o OPTION B: Since the workshop is already divided in three sections, you can follow these natural divisions if you choose to hold the workshop in three separate sessions. Each of these sessions would last approximately three hours.

- o OPTION C: If you desire to conduct sessions shorter than three hours in length, you can divide each of the three sections into still smaller components by conducting only one or two workshop activities at each session.

- o OPTION D: If your particular audience has specific skills, knowledge, and/or needs which would not be met adequately by using all the activities contained in the participant workbook, you may want to eliminate those which are inappropriate.

GENERAL PREPARATIONS

Before conducting the workshop, it is important that you, as workshop leader, make your advance preparations carefully.

1. Review, in detail, the material contained in this leader's guide which also includes, for your convenience, materials contained in the Participant Workbook. The Participant Workbook pages are coded with page numbers PW1, PW2, etc. so you can distinguish them from the leader's guide pages.

2. Pay particular attention to the copy of the Implementing Regulations for Title IX of the Education Amendments of 1972 and the Vocational Education Amendments of 1976; see Appendix A of this leader's guide for the Implementing Regulations of Title IX and for the typical questions raised about Title IX.

3. You need not be an expert in sex equity or in Title IX and the Vocational Education Amendments to conduct this workshop. However, if such a person is available within your school district (possibly your Title IX coordinator), it would be to your advantage to have that person present during the workshop. If such a person is not available, you may have to spend somewhat more time reviewing Appendix A to acquaint yourself more thoroughly with the appropriate laws affecting sex equity in schools and some of the more frequently asked questions.

4. Prepare for the workshop itself by making the following arrangements:
   a. Make certain you have one copy of the Sex Equity Participant Workbook for each participant in your program.

   b. Arrange for a meeting room which can accommodate participants in small table teams with approximately 4, 5, or 6 people per table.

Since most of the activities in the workshop will be done in small teams, this aspect of your preparation is critical. Ideally, you should have at least two teams so that comparisons of decisions between them can be made. Even if you have only six participants attending the conference, two teams of three people each would be preferable to only one team of six people. For maximum benefit, it is desirable if not more than 30 people should participate in the session at any time, in six teams of five people per team.

c. Arrange for a flip chart and/or blackboard to be available during the conference as well as note paper and pens or pencils for participants.

5. In making your seating arrangements, it would be helpful if you do not put people who work closely together on the same team. It would be extremely desirable to have a good mix between males and females within each team and also between administrators, teachers, and counselors. In other words, wherever possible, completely heterogeneous groups should be formed at each table. You can place name tags at each table to assure that people will sit with their designated team.
6. Since much of the material contained in this workshop consists of small group learning exercises, you should be familiar with how to conduct each activity. Specific suggestions on how to do this will be given later in the leader's guide. General introductory material is provided in Appendix B of this guide. You should review Appendix B now to acquaint yourself with the suggestions it contains.

SUGGESTIONS ON WORKSHOP LEADERSHIP

During the workshop, you will be asked to perform three basic tasks:

1. To introduce each activity by providing some brief introductory remarks.

2. To walk from table to table and listen to the personal and team decisions made at each table group while participants are working on each exercise.

3. To provide for interteam discussions and comparisons of team decisions (among the several teams in the workshop) at the conclusion of each activity and to provide additional focus and/or specific feedback to participants after they have completed their team decisions and have discussed the problem thoroughly.

In other words, in most instances you are the manager of the learning process, rather than the subject matter expert. In some of the activities, though, you will be called upon to play a somewhat larger role; in these instances, you will be given specific information to convey to your group. This information is provided later in this Leader's Guide as each activity is discussed.

In addition to these responsibilities, it is important that you pay careful attention to some basic principles of workshop leadership. If you are not familiar with these principles, you may find it helpful to review some of the points which follow:

- o At the beginning of the workshop, if you are not personally acquainted with all participants, be sure to introduce yourself to them. It would also be helpful if all participants give their names and positions.

- Encourage all participants to contribute to both team and large group discussions. If some are reluctant to participate, ask them relatively easy questions which you are certain they can answer.

- Wherever possible, relate the activities in the workbook to specific practices within your own school and/or to schools in your district.

- "Toss back" questions raised by participants to the seminar group. For example, you could ask questions like, "How do the rest of you feel about that?" These and similar questions often help increase participation and involvement of others in the discussion.

- Try to get as many people as possible involved in the large group discussions.

- Try not to lecture on any subject for more than about five to to ten minutes. No matter how interesting your lecture is, it may be difficult to obtain the full attention of your workshop group. In many cases it is, of course, more desirable to ask questions that participants can discuss on a particular topic rather than to have them passively listen to a lecture.

- Use a blackboard, flip chart, overhead projection with transparencies, or any other visual aids or handout materials you feel would enhance the key points that are made during the workshop.

- Summarize, or request that a participant summarizes, key discussion points and conclusions frequently.

- Provide sufficient breaks, including a lunch break and short morning and afternoon breaks in day-long sessions.

GUIDELINES FOR CONDUCTING THE WORKSHOP

This section contains leader's notes and suggestions on how to conduct each activity for the workshop. As you review these notes, add any thoughts of your own that you feel would assist you in improving on the comments and thoughts offered here. The left side of the vertical line on each page may be used for this purpose.

For your convenience, following each section which introduces a workshop activity, is a copy of the actual materials from the participant workbook.

Key ideas have been underlined throughout this section; these should be given appropriate attention and emphasis.

Those words in the *italic typeface* are actual words that you can use as you conduct the workshop.

Approximate time to complete each activity has also been provided. These times include time for introductory remarks and concluding discussions following the activity.

NOTES	LEADER'S GUIDE
Introduction *(5 minutes)*	1. Welcome participants, and introduce yourself to them if there are some who do not know you. 2. If participants are already acquainted with one another, it is not necessary to ask them to introduce themselves. You should, however, make certain that they know each other's names by informally checking with them. 3. If participants do not know one another, you could call on each person to give the group his or her name and position, or, if there are many people in the workshop, you could ask people at each table team to introduce themselves to others on their team.
Brief Introduction to the Sex Equity Workshop *(15 minutes)*	Discussion here should focus on the purpose of the workshop. You may wish to use some or all of the following ideas in making your introductory remarks as they relate to those portions of the materials you have decided to use: o *The purpose of this workshop is to help you gain a clearer understanding of sex bias and its implications in various school activities and practices.* o *The workshop activities are divided into three distinct, yet obviously related, segments:* - *IN SECTION I: EXAMINING YOUR OWN VIEWS ON SEX FAIRNESS. You will have a chance to clarify perceptions of your own views with respect to sex equity and to share some of those feelings with your associates.*

- *IN SECTION II: UNDERSTANDING SEX EQUITY LEGISLATION. You will sharpen your understanding of Title IX of the Education Amendments of 1972 and the Vocational Education Amendments of 1976 and will begin to develop approaches to help assure that the practices and policies in your schools comply fully with these regulations*

- *IN SECTION III: DEVELOPING STRATEGIES FOR SEX-FAIR CAREER COUNSELING. You will exchange ideas and techniques on a variety of activities designed to help you focus your counseling skills for the guidance you provide to students as they make career decisions.*

o As leader, you should explain further that this workshop is probably different from many the participants have been involved with in the past. Explain that *the workshop relies heavily on small team learning exercises, in the form of simulated activities, in which you will be asked to make many different types of decisions. In most cases, you will be asked to make your personal decisions first and then to discuss the problem with other members of your team to arrive at a team consensus. In some cases, this consensus will be relatively simple to achieve. In others, considerable discussion will be necessary before full consensus is obtained.*

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	o Explain that as leader, you will introduce each activity, will help with any procedural questions and a few factual ones that participants may have during the activity, and will provide opportunities for discussion at the conclusion of each activity. If you do not have significant experience with sex equity issues you should mention this to your group so that they do not turn to you as the resource expert who will resolve controversies during the workshop. o Explain further that in many of the activities in the workshop, the real responsibility for learning rests with each participant, not with you as workshop leader. Active participation in small team discussions will enhance the learning process. At the conclusion of your opening remarks ask participants to *read the Introduction and Overview on pages PW1 and PW2 of the workbooks*. When they have finished, introduce Section I.

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Introduction to Section I: Examining Your Own Views on Sex Fairness *(10 minutes)*	Explain briefly that *this portion of the program has been designed to give you an opportunity to examine your personal views on sex equity, why you believe what you do indeed believe, and to provide you with a chance to determine what actions you may have to take to assure that your attitudes and beliefs will not interfere with your responsibility to objectively counsel students for careers in a rapidly changing world.* Ask participants to *read the Introduction to Section I on pages PW4 and PW5 of their workbooks.*

NOTES	LEADER'S GUIDE
Activity I-1, Occupations *(60 minutes)*	This first activity has been designed to: o help participants clarify their own perceptions of the numbers of males and females presently employed in certain occupations, and o allow participants to explore whether or not there is anything inherently male or female about these occupations. In this activity, participants are asked to estimate, first personally and then in teams, the percentage of females in a variety of occupations in today's society; they then make the same decisions for a society of the future, one in which no sex bias exists. Ask participants *to begin work on Activity I-1; make your personal decisions for today and the future first, before discussion with others on your team.* When all participants on a team have completed their personal decisions, they should discuss the occupations as a team and arrive at their team decisions. Remind them to *focus on the reasons why you feel some of the occupations may not have an exact 50%/50% split in the future.* During this discussion, you should monitor the teams by observing their performance. Pay particular attention to whether groups are simply trying to average the percentages offered by each member of the team. Such approaches should be discouraged. You may wish to suggest to these teams that

it might be helpful, especially where large differences of opinion exist, if they first try to understand the reasons why people suggested the percentages that they did, before taking a simple average percentage as the team choice.

After all teams have completed their team discussions, conduct a brief discussion with the entire workshop group. You can use either of the following approaches or a combination of both in handling this discussion.

APPROACH 1 (especially for large groups - over 30 participants)

You can ask the following questions:

- For "Today" column decisions
  1. *Which occupations did the group feel were the most male-dominated, and why?*
  2. *Which occupations did the group feel were the most female-dominated, and why?*
  3. *Which occupation had closest to a 50%/50% split between males and females and why?*
- For "Future" column decisions
  1. *Which occupations may NOT approach a 50%/50% split in the future, in a society where no sex bias exists?*
  2. *Are there any occupations which, by definition of the job requirement for them, will rule out entry by members of one sex?*

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Conclude by mentioning that very few occupations have job requirements oriented to only one of the two sexes. Also remind participants that both men and women come in all sizes and that there are quite a few larger women much stronger than many men.

APPROACH 2

Ask a representative from each team to offer his or her team decisions for each of the "today" column items on the list. Enter these percentages on a flip chart or blackboard in a table, similar to the one that follows, that you have prepared for this purpose.

	Enter Team Percentages	
	Today	Future
1. Engineer		
2. Nursery School Teacher		
3. Practical Nurse		

↓
etc.

As each team decision is mentioned, with reference to the information that follows, provide the actual statistics which have been taken from recent labor department data.

	Percentage of Females Within Each Occupational Group (1973 Data*)
1. Engineer	1.0
2. Nursery School Teacher	97.9
3. Practical Nurse	96.4
4. Keypunch Operator	90.9
5. Bus Driver	36.6
6. Computer Specialist	19.5
7. Office Receptionist	96.9
8. Automobile Mechanic	1.4
9. House Worker (Domestic)	98.3
10. Engineering Technician	10.2
11. Tool and Die Machinist	2.1
12. Building Maintenance Person	12.6
13. Shipping and Receiving Clerk	14.4
14. Plumber	1.1
15. Electrician	1.8
16. Waiter/Waitress	82.9
17. Hairdresser	91.8
18. Secretary	99.1
19. Firefighter	1.2 (1970 Data)
20. Bank Teller	89.9
21. Lawyer	4.0

After you have concluded this process for decisions in the "today" column, return to the first occupation and ask each team to report on its percentage estimates for females in

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*From 1975 Handbook on Women Workers, U.S. Department of Labor, Employment Standards Administration, Women's Bureau, 1975, Bulletin 297

that occupation in a society of the future that is free of sex bias. Once again, enter each team's decision in the appropriate space on the table you have prepared.

Then focus on the decisions made by each team so that specific conclusions can be drawn from them. It would be helpful if you focused heavily on the reasons why teams felt that some occupations may not have a 50%/50% split between males and females in the future. You could ask *what do you feel are the real barriers to women entering these occupations in the future?* You could also make the following points:

- *In a society in which no sex bias exists, very few occupations on the list would be dominated by either sex.*
- *Those occupations that would be dominated by one sex are probably only those that require extremely specific physical characteristics for job success. All others would have an equal or near equal number of males and females in a society in which no sex bias exists.*

If participants do not agree with this, it would be helpful to explore why. You should emphasize, during this discussion, particularly if participants feel that some of the traditionally male positions in today's society will remain traditionally male in the future, that there is no "maleness" inherent in those jobs.

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After these differences of opinion have been resolved, you should raise the following question with the group: *What has to be done in our society to assure full sex equity?* Some changes that might be required would include:

- *Changes in attitude and philosophy regarding employment of females and males and their upward mobility.*
- *Changes in family structure and attitudes and roles regarding parenting.*
- *Greater assurance that the educational process provides young people with a full range of career options regardless of their sex.*

(You could have participants add other items to this listing.)

You could also enter into a brief discussion of the specific steps that educators could take to assure that their schools actively provide students with a full range of career choices.

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Activity I-2, Roles *(60 minutes)*	*In this activity you will exchange ideas on female and male roles and sex role stereotypes.* *The activity is divided into two parts --- A and B. Each part should be completed as if it were a separate activity; personal and team decisions should be made, then discussed as a conference group before teams work on the next part.*
Part A	The statements in Part A of this activity are most often supported by myths and stereotypes and less frequently by any experience or research findings. After teams have completed their personal and team decisions for Part A, you should conduct a brief discussion. During this discussion, ask each team to indicate the strength of its agreement or disagreement with each statement and why it felt the way it did about each one. After these decisions are offered for each statement you should use the comments which follow and provide them to the group. You may want to preface such feedback by indicating that *even if one subscribes to some of these beliefs about men and women in general, counseling for the individual student should not be based on concepts about large numbers of people, but on each person's special characteristics.* 1. WOMEN WITH YOUNG CHILDREN SHOULD NOT TAKE JOBS UNLESS THERE IS FINANCIAL NEED. *The implications of this statement are that the children will suffer some physical or psychological neglect if*

mothers work, and the only justification for working is immediate financial need.

There is no evidence that the absence of the mother, when there is an adequate surrogate, is a single determinant of behavior problems in children. In fact, many of today's battered children have a full-time mother. Moreover, if the mother gains self-esteem from other sources, she may not use her children for gratification.

The second issue concerns financial need. Women who are currently categorized as middle class may become listed on the welfare rolls quickly due to divorce or widowhood. As a result, those women who have not maintained their work skills will find themselves at a considerable disadvantage.

2. ALTHOUGH WOMEN MAY SAY THAT THEY WANT CAREERS, THEIR PRIMARY INTEREST IS TO BECOME WIVES AND MOTHERS.

The implications of this statement are again twofold. First, a woman does not need to choose between having a family and a career. Secondly, men may also wish to be husbands and fathers. This does not mean that they cannot be successful at some other endeavor.

3. ALTHOUGH WOMEN CAN BE SOCIALIZED TO BE COMPETITIVE IN THE BUSINESS WORLD, THIS IS CONTRARY TO THEIR TENDENCY TO BE GENTLE AND NURTURING.

The emphasis here is on learning competitive behavior

as opposed to the almost biological traits of nurturance. It may be that both characteristics are somewhat natural in men and women and are influenced by the socialization process. Thus, men and women can be trained to be gentle when that type of behavior is appropriate and to be competitive in competitive situations.

4. SINCE MOST WOMEN ARE SUBJECT TO MOOD SWINGS AND CAN BECOME EMOTIONAL AND EXCITABLE, AT LEAST PART OF THE MONTH, THEY SHOULD NOT HOLD POSITIONS THAT REQUIRE STABLE JUDGMENT.

There are several ways to analyze this statement. The belief may come from complaints of women that they are incapable of doing certain things during the pre-menstrual phase (a few days prior to the menses) of the monthly cycle. These complaints come more often from women who have "dead end" jobs or are homemakers trying to get some rest. Women in executive positions do not ask for special consideration due to their mehstrual cycle. Moreover, there is no evidence to support the contention that the influence of the menstrual cycle is stronger than other pressures on the decision making process.

5. DUE TO THE FACT THAT MEN DO BETTER THAN WOMEN IN SCIENTIFIC SUBJECTS, IT WOULD BE A DISSERVICE TO ENCOURAGE WOMEN TO PURSUE CAREERS IN THIS AREA.

The achievement test results of children in the elementary grades generally demonstrate that there is no

difference in performance between boys and girls at this level. At the secondary school level, however, mean differences favor men over the women. Since the two groups are the same in the lower grades, it is possible that the socialization process has already discouraged women from thinking about careers in scientific areas. Thus, women may need to be encouraged at earlier ages. You may also want to point out that there are many more women in the sciences and engineering today than there were only a few years ago.

6. ASSERTIVE WOMEN ALIENATE THEIR CO-WORKERS, BOSSES AND TEACHERS. THEREFORE IT IS IMPORTANT FOR COUNSELORS NOT TO PROVIDE ENCOURAGEMENT FOR OUTSPOKEN BEHAVIOR IN FEMALE STUDENTS.

Some assertiveness training may engender feelings of antagonism in some people. On the other hand, it has taken a while for people to get used to seeing women in leadership roles. It is only in recent years that women have appeared as television newscasters or judges in courts that do not deal with juveniles. As more women take more directive positions and perform successfully in them, the novelty will diminish and people will focus on the person's ability to achieve goals and not on the person's sex.

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7. IN THE LONG RUN, SINCE MEN ARE HEADS OF HOUSEHOLDS, WOMEN WHO WORK ARE TAKING INCOME AWAY FROM FAMILIES.

   The most recent Labor Department statistics indicate that almost half of the women who are employed are either heads of households or contribute to the maintenance of indigent families. It is also quite likely that sometime in a woman's life she will indeed need to support at least herself and perhaps other dependents. It is not simple to assume a career at a moment's notice without years of preparation or current experience.

8. WHILE ONE MAY LEGISLATE SEX EQUITY PRINCIPLES, THE ACTUAL PRACTICES LAG SO FAR BEHIND THE RULINGS THAT IT WOULD BE A DISSERVICE TO ENCOURAGE WOMEN TO TRAIN FOR NONTRADITIONAL CAREERS.

   While there are differences in the rate of progress being made in various formerly male-dominated and female-dominated fields, vast strides are being made in providing new opportunities for both men and women.

9. A WORKING MOTHER CAN ESTABLISH AS STRONG AND SECURE A RELATIONSHIP WITH HER CHILDREN AS A MOTHER WHO STAYS AT HOME FULL-TIME.

   Quality of time spent with children is at least as important as the quantity of time spent with them. Good surrogate caretakers are needed when the mother or father is away from home for whatever the reason. Many fathers have been able to develop strong and secure relationships with their children even though they are employed full-time.

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10. A WORKING WIFE WILL BECOME TOO INDEPENDENT.

This particular statement was purposely left rather ambiguous. There are usually two directions that the discussion of this statement takes. Some people probably focused on the financial aspects of independence and some on the emotional and perhaps sexual aspects.

Many people feel that women are inherently dependent and that that status enables them to accept secondary roles, often subordinating their own interests and aspirations to those of the significant others in their lives (e.g. , husbands, parents, children).

The traditional role of housewife, as established in the past, has reinforced this type of behavior. Presently, however, the views on the "natural" role of women have altered. The concepts of equal partnerships in relationships, the emphasis on self-actualization and the need for the financial contribution of the woman will facilitate a change in this orientation. People will be able to remain together because that is their desire, not because one is dependent on the other.

11. A MARRIED MAN'S CHIEF RESPONSIBILITY SHOULD BE TO HIS JOB.

Each person has many responsibilities, the priorities of which are constantly being rearranged. Maintaining a good economic position is important to anyone, just as are

maintaining family relationships and friendship patterns. Sometimes the conflicts are very difficult to resolve, but decisions on the order of priorities cannot be made using generalizations.

12. PRE-SCHOOL CHILDREN SUFFER IF THEIR MOTHERS WORK.

Pre-school children may suffer if caretaking is inadequate. Competent and loving care must be given to young children in order for them to develop healthy personalities in the future. The caretaker need not be a full-time mother. The key is finding caretakers or day-care centers that can provide competent support for the child.

13. IT IS MORE IMPORTANT FOR A WIFE TO HELP HER HUSBAND IN BUSINESS THAN TO HAVE A CAREER OF HER OWN.

The costs and benefits of various work options to each person or to the family as a group must be weighed by those involved. Generalizations about appropriate relationships are, of course, not helpful to a particular individual. For some, working together all day and having a family life at night may place a psychological strain on individuals that is not balanced by potential economic gains. For others it may be quite appropriate.

14. IF A YOUNG, SINGLE WOMAN IS DOING EXACTLY THE SAME KIND OF WORK AS A MARRIED MAN WITH CHILDREN, SHE SHOULD RECEIVE THE SAME RATE OF PAY.

It is the job description that should determine the

salary of any person who holds a particular position. If a person is asked during a job interview how much money is needed, it would be appropriate to focus on the salary the job deserves.

15. IF A WOMAN IS NOT SATISFIED BEING A WIFE AND MOTHER, IT IS A SIGN THAT SHE HAS EMOTIONAL DIFFICULTIES.

For many years, some therapists have implied that career women were denying their basic tendencies and needs and were, therefore, neurotic.

As more and more women enter the job market, the implication of "abnormality" or emotional instability can no longer be applied. Even if a woman spends a portion of her life in "mothering" activities, she will have a considerable number of productive years during which she will have minimal home responsibilities. Moreover, not every woman is interested in being a wife or mother, just as not every man is oriented toward marriage or fatherhood.

Part B

Ask teams to *begin work on Part B.*

Once again, at the conclusion of this activity, you should note team decisions on a flip chart or blackboard for all to see and discuss.

NOTES	LEADER'S GUIDE
	At the end of this activity you should reemphasize that *regardless of the personal views you hold about any of the issues raised in this activity, the purpose here was to help you become more aware of these views; such awareness will help in making counseling discussions less biased.*

NOTES	LEADER'S GUIDE
Activity I-3, Employment *(45 minutes)*	*This activity provides you with an opportunity to exchange ideas regarding the employment of women. Its purpose is to help you get a clearer view of female employment patterns.* Ask participants, once again, to make their personal decisions first, and then to discuss these decisions with other members of their team. After team decisions have been completed, ask each team to report on its decisions. As in previous activities, these decisions should be entered on a blackboard or flip chart and discussed. During this discussion, you can offer the following statistics for each item, after each team has been given an opportunity to voice its opinion: 1. *Studies show that many factors must be considered when seeking the causes of juvenile delinquency. Whether or not a mother is employed does not appear to be a determining factor. These studies indicate the quality of a parent's care, rather than the time consumed in such care, is of major significance.* 2. *The earnings gap between women and men continues to widen. The median income for all women working full-time in 1974 was $6,772 compared to $11,835 for men or 57% of the men's income. In 1956, fully employed women's*

earnings were 63% of men's earnings; in 1970 they were 59%.

3. *In 1975 married women accounted for nearly 58% of all women workers.*

4. *A public health service study done in 1969 of work time lost by persons because of illness or injury shows an average of 5.6 days lost by women and 5.3 days lost by men during the calendar year 1967. There is no data available on time off other than for illness or injury.*

5. *U.S. Department of Labor survey of 1976 shows that 46% of the children under age 18 had mothers in the labor force, up from 39% in 1970. Among pre-school age children, the proportion whose mothers worked or looked for work rose from 29% to 37% between 1970 and 1976.*

6. *According to recent surveys, women comprise approximately 42% of the nation's paid work force.*

7. *Approximately 35% of all employed women were in clerical jobs in 1975. These included more than four million secretaries, stenographers, and typists.*

8. *85% of young women workers, between the ages of 20 and 34, are indeed high school graduates. More than one out of four of all women in the labor force have completed one or more years of college and one out of eight was a college graduate in 1973.*

9. *The median income of working women with four years of college is actually less than that of men who have completed only eight years of elementary school. In 1974, full-time working women with four years of college earned $9,523; men with only eight years of elementary school earned $9,891.*

10. *Husband and wife both work in somewhat more than 47% of the nation's marriages.*

For those members of your group who are interested in obtaining more information about these statistics, you may wish to refer them directly to the U.S. Department of Labor, Employment Standards Administration, Women's Bureau, Washington, D.C. 20210.

In concluding this activity, you may also wish to provide participants with some additional data on recent statistics from the Department of Labor regarding women in the labor force. These statistics are provided in Appendix C.

NOTES	LEADER'S GUIDE
Activity I-4, Decisions *(30 minutes)*	Ask participants to *begin work on Activity I-4* reminding them that in this activity, there are no personal decisions; only team decisions are necessary. They are to *respond to each of the three questions provided in Activity I-4 by preparing specific notes at the conclusion of team discussions.* After teams have completed their ideas, ask each team to offer its views on each question. During this discussion you should be certain to make at least the following points, after each team has been given an opportunity to offer its ideas. o *From the purist's point of view, the differences between the two sexes that have an impact on career choice, and/or success in certain careers, are only those concerning the physical differences. In reality, though, various attitudes of employers, parents and others preclude full equality. Once these barriers are overcome, there is nothing besides the physical differences between the two sexes that should preclude access to most, if not all, occupations.* o *It is also obviously unwise to encourage a female or a male to enter a nontraditional occupation simply because laws, administrative influences within the school, and other factors suggest that everything should be done*

to avoid sex bias. On the other hand, a student who expresses sincere interest in pursuing an occupation dominated by another sex and has the required skills and abilities should not be discouraged.

NOTES	LEADER'S GUIDE
Introduction to Section II: Understanding Sex Equity Legislation *(5 minutes)*	*In this section of the program, attention is focused on the rules and regulations of Title IX of the Education Amendments of 1972 and the Vocational Education Amendments of 1976. These regulations form the foundation for the legal requirements for sex equity in schools.* You can introduce this section by reminding participants that they must conform to these statutes in all school activities and practices. It would also be helpful if you provided participants with a brief overview and comparison of the Vocational Education Amendments and Title IX. Refer to the information in the participant's workbook on the bottom of page PW30 and top of page PW31. When you are finished, ask participants to turn to their workbooks and to *read the Introduction to Section II on page PW16.*

NOTES	LEADER'S GUIDE
Activity II-1, Understanding Sex Equity Legislation *(60 minutes)*	Ask participants to *read page PW17 and to begin work on Activity II-1, Understanding Sex Equity Legislation.* Point out that *there is no need to review in detail all of the information contained in the summaries of the legislation provided in this activity.* You should mention, though, that *at the conclusion of the workshop, it would be very helpful if you reviewed this legislation in detail.* Ask participants to make their decisions regarding Title IX and the Vocational Education Amendments on pages PW32 through PW34 first personally and then as a team. Or, if you prefer, you can ask participants to skip their personal choices and move directly to a team decision on this activity. Remind them that they may, of course, refer back at any time to the copies of the legislation. After they have completed their decisions, discuss each item, once again, by asking each team to offer its decisions and then furnishing teams with the correct solutions. Following is a list of solutions and references for the statements in this activity. Title IX a. P (86.31a)* b. R (86.36c) c. P (86.38) --- *Numbers indicate the relevant section from the Title IX or Vocational Education Amendments implementing regulation. These references are for your use only and need not be given to participants.

NOTES	LEADER'S GUIDE

d. R (86.36b)

e. P (86.51a (2))

f. P (86.33; 86.34)

Vocational Education Amendments

a. E (104.75a)

b. E (104.75e)

c. E (104.92a (17))

d. E (104.402d (1))

e. S (104.611)

f. E (104.621a)

g. E (104.621d)

h. E (104.706b) (1))

i. S (104.708c)

j. S (104.708d)

k. S (104.763d)

l. E (104.904a)

m. E (104.904b)

NOTES	LEADER'S GUIDE
Activity II-3 Correcting Discriminatory School Practices *(45 minutes)*	*In this activity you are given a chance to review some of the items you identified in Activity II-2 which do not comply with requirements for sex fairness; in the next activity you will then develop plans to correct these discriminatory practices.* To introduce this activity, you may wish to review with the group a sample action plan so that all participants are familiar with what they are asked to do. Following is one idea: *Discriminatory Practice: Dress codes and appearance standards are not maintained for both sexes equally.* *OBJECTIVE: By November 1, rewrite, and communicate to all concerned, rules of appearance and dress so that they are free of all sex-bias.* *ACTIVITIES:* 1. *Identify specific sex-discriminatory rules and regulations.* 2. *Develop a sex-fair written policy on appearance and dress codes.* 3. *Assure that all students, faculty, and administrators are aware of this policy.* 4. *Develop an appeals procedure that students could use if they feel they are being discriminated against on the basis of sex with respect to dress and appearance codes.*

NOTES	LEADER'S GUIDE
	Ask participants to *begin Activity II-3.* If they cannot identify five practices, two or three will be adequate. Once again, remind participants that in this activity, *no personal decisions are necessary; only team choices are requested.* At the conclusion of their work, you should ask each team to describe at least one of its action plans. Allow other teams to comment on how they feel each plan could be improved.

NOTES	LEADER'S GUIDE
Introduction to Section III: Developing Strategies for Sex-Fair Career Counseling *(10 minutes)*	*In this section of the workshop, you will explore several activities designed to help you exchange ideas and improve your ability to provide greater sex fairness in career counseling.* To introduce this section, particularly if your audience is comprised of less sophisticated counselors or of people who are not practicing counselors, you may wish to review briefly the following counseling principles which help ensure fairness in counseling: 1. *Explore in detail specific interests of each student to ensure that the desire to pursue a particular career is really genuine.* 2. *Question students thoroughly who express interest in particular vocational jobs to be certain that they fully understand the requirements of that job and career.* 3. *Explore numerous vocational career options related to the student's primary vocational interest regardless of the student's sex to assure that a full range of options is provided from which the student can select.* 4. *Encourage students to explore nontraditional vocational careers.* 5. *Encourage each student to express openly his or her own values with respect to sex roles and sex stereotypes.*

NOTES	LEADER'S GUIDE
	6. *Be certain not to impose your own sex role values about advantages and disadvantages of pursuing certain careers.*
	7. *Make certain that you do not limit, even to the slightest extent, students' ability to select careers of their own choosing by imposing upon students your own sex stereotypes.*
	After you have outlined these basic principles, it may be helpful to ask the group to identify additional counseling practices which help assure sex-fair counseling.
	When you have concluded this discussion, ask participants to read the Introduction to Section III on page PW42 in their workbooks.

NOTES

LEADER'S GUIDE

Activity III-1, Reviewing Counseling Situations
(45 Minutes)

The purpose of this activity is to provide you with an opportunity to apply the principles of counseling to actual counseling situations to assure that career information is provided fairly, irrespective of a student's sex.

Note, but do not mention to participants, that Situation 1 and Situation 4 are identical except that in Situation 1, the student described is a male and in Situation 4, the student is a female. One of the purposes of this activity is to see whether sub-teams recommend different approaches in these two situations.

A somewhat different team configuration is required for this activity. Within each table team, as the activity instructions indicate, participants should be asked to divide themselves into two sub-teams. Sub-team 1 will handle Situations 1 and 2, while sub-team 2 will work on Situations 3 and 4.

After both personal and sub-team notes have been prepared for these situations, sub-teams compare their solutions. Each sub-team presents to its partner sub-team a brief sketch of the Situations it was assigned and its recommended approaches. During these discussions, you should circulate among the teams to see if any significantly different approaches were suggested for Situation 1 and Situation 4.

Ask teams to *begin the activity, prepare your sub-team notes for the two situations you are assigned, and compare recommendations after each sub-team has completed its decisions.*

NOTES	LEADER'S GUIDE

At the conclusion of the activity, you may wish to discuss each situation with the entire group and obtain specific approaches on how each situation was handled. In so doing, you could use the following approaches:

- Situation 1 and Situation 4 should be compared to identify different approaches that may have been used with respect to John and Diane. If different approaches were indeed recommended, they should be identified and reasons for these different approaches discussed.

- In Situation 2, some people feel that Jane is the type of person who is "just bouncing around" from one program to another and has simply identified automotive repair as something that she would like "to try". If your group came to this conclusion, you may wish to ask them whether they would have come to the same conclusion if Jane had been a male.

- In Situation 3, it would be interesting to ask how many sub-teams would suggest to Susan that she expand her career options and consider pursuit of a career as a physician. Susan's outstanding grades in science and her interest inventories indicate not only the stereotype nursing program but quite possibly a career in medicine.

NOTES	LEADER'S GUIDE
Activity III-2, Analyzing a Counseling Session *(45 minutes)*	*Here you are given a chance to analyze a counseling session between a counselor and a student.* *The counseling dialogue contains a few weak counseling approaches, but several obvious and not so obvious sex-bias remarks.* Some very experienced counselors may see this dialogue as "silly" and not typical of an experienced counselor's behavior. You may want to state, therefore, at the very outset of this activity, that it has been purposely prepared to help participants identify less than sex-fair counseling practices; you could point out that even very experienced counselors sometimes are guilty of approaches similar to those described in this counseling session. Ask participants to *begin work on Activity III-2;* remind them to mark their personal decisions first and then to discuss them as a group and identify their group decisions. At the conclusion of the activity, review with the group the various stereotypes they identified. The pages which follow contain an edited version of the dialogue transcript marked with potential and obvious stereotypes. Refer to this copy as the groups offer their decisions. After you have completed this analysis, focus on how the counseling session could have been improved. Ask participants to *recommend specific approaches, paragraph by paragraph, outlining how you feel the counseling session*

NOTES	LEADER'S GUIDE
	could have been improved and how any sex-bias approaches could be removed.
	It might be interesting, if time permits and if you feel your group is prepared to do this, to ask two members to role play this dialogue the way they feel it should have been handled by Mr. Stevens. One person could play the role of Mary Parks, the other person could play the role of Mr. Stevens and could re-enact the counseling session as it should have been handled by the counselor.
	Those who do not participate in the role play could serve as observers and critique the effectiveness of the counseling session.

COUNSELING SESSION

Mary Parks: Hi, Mr. Stevens. I'm here for my appointment.

Mr. Stevens: Of course, Mary. Come right in. How are things?

Mary Parks: Pretty good, Mr. Stevens.

Mr. Stevens: The last time we talked you were having difficulties in some of the secretarial classes you were taking. How are things going?

Mary Parks: They haven't changed much, I'm afraid, Mr. Stevens. My grades are about the same as they were last term, and that's not too good; it's not that I can't do the work - I think I can - it's just that I am . . . not really that interested in typing and the rest of that stuff.

Mr. Stevens: Hm . . .

Mary Parks: It's kind of hard to explain, Mr. Stevens. But, I've given it a lot of thought the last couple of weeks. I think mainly that I just don't like secretarial or office work. Sitting at a desk all day is just not my thing.

Mr. Stevens: That's too bad, Mary, because there are so many good opportunities for girls in secretarial work.

Mary Parks: I just don't think I would like it Mr. Stevens. You know, my sister has worked as a secretary for a big insurance company for many years and she just doesn't like the work much at all.

Mr. Stevens: Mary, I wonder whether you're aware that there are many different kinds of secretarial work. They don't all require typing all day.

Mary Parks: Well, I guess so . . . but Mr. Stevens, I have read through a few of those occupational pamphlets that you told me about last time we met and I realize that there are many different duties that a secretary performs but none of that work really appeals to me. I really don't care to work in an office. You know I really think I'd like to work with my hands.

Mr. Stevens: Okay, Mary, it's not too late to switch programs. Let's talk about a few other alternatives. You still have two more years of high school and a lot of time to develop other skills. If you are interested in working with your hands I wonder whether you would like to consider the nursing education program, or even the home health care program?

Mary Parks: Hm . . . Those might be interesting. I never really thought about nursing.

Mr. Stevens: The reason I suggested those programs to you, Mary, was because they do give you an opportunity to work with your hands and you are not confined to an office.

Mary Parks: Well, somehow, nursing doesn't really turn me on too much . . . This might surprise you, Mr. Stevens, I've been talking to my Dad . . . You know he's been an electrician for many years and he and I and my brothers have worked on a lot of different projects around the house. My Dad thinks I'm pretty good. As a matter of fact, he's told me that I learn real quick and really pick up quickly on that complicated electrical stuff. And, besides, I enjoy it; it's lots of fun.

Mr. Stevens: Oh . . . say . . . that is a surprise. I had no idea you were so interested in mechanical work; in fact, you're the first girl who ever expressed an interest in getting into the electrical trades.

Mary Parks: I'm not positive about it, but I really think that I'll like that kind of work.

Mr. Stevens: How do you think you would feel about being the only girl in the electrical trades program?

Mary Parks: I never really thought about that much; I always do these things with my father and brothers and I didn't really think much about the class.

Mr. Stevens: How does your boyfriend feel about it?

Mary Parks: I've been a little afraid to tell him.

Mr. Stevens: Okay, Mary, as long as you realize that if you go into that program and if you take up that kind of work, it may affect your entire life.

Mary Parks: Well, I do worry about that a little bit because some day I'd like to get married and have a family.

Mr. Stevens: Okay, Mary, that's really something that you should think about. Maybe it's something that you ought to talk over with your mother.

Mary Parks: I'll do that, Mr. Stevens. I'll talk to her about it tonight.

Mr. Stevens: And just one other thing, Mary. You may also want to give some thought to the difficulties that you may have in finding a job as an electrician. I think you ought to find out for yourself what work is like in the electrical field. Why don't you talk to a few electricians and speak to some employers in the area who hire electricians? I have a list of people here that you can use to get started.

Why don't we meet again next week after you've had a chance to think about some of the questions that we raised today.

NOTES	LEADER'S GUIDE
Activity III-3, Role Plays *(Optional Activity)* *(60 Minutes)*	*In this final activity of the workshop, you will role play several counseling sessions with students.* This is an optional activity and should be completed only if you feel participants will be receptive to this type of learning experience. The format for these role plays is different than "traditional" role plays. As explained in the "Instructions for Role Plays" on page PW52 of the participant workbook, teams will divide themselves into three sub-teams. Each sub-team will consist of one or two people, depending upon the number of people on the entire team. Each of the three sub-teams will play different roles. One will play the role of the student, one of the counselor, and the third will play the observer. All teams role play simultaneously. At the conclusion of the first role play, roles are switched and the second role play begins with no sub-team handling the same role it did in the first role play. If you do not like this approach, however, you can break the conference group into teams of only three people each. In this approach, each role would be handled only by one person. Regardless of the approach you use, however, be certain that the Observer Critique Guide, provided at the conclusion of each role play, is completed and used to provide feedback to the individual playing the role of the counselor in each role play.

NOTES	LEADER'S GUIDE
	At the conclusion of both role plays, you should conduct a general discussion of key observations made by the "observers" in each of the role play groups.
Concluding Remarks *(5 minutes)*	To conclude the program you should remind participants that *achieving full sex-fairness in schools is a difficult but not unreachable goal. I hope this workshop has given you a chance to sharpen your own values on sex fairness, to help you appreciate more fully the legal requirements governing sex equity, and to improve your skills in providing sex-fair vocational counseling.*

APPENDIX A:

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

PART 86—NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

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Subpart A—Introduction

§ 86.1 Purpose and effective date.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682, as amended by Pub. L. 93-568, 88 Stat. 1855, and Sec. 844, Education Amendments of 1974, 88 Stat. 484, Pub. L. 93-380)

§ 86.2 Definitions.

As used in this part, the term—

(a) *"Title IX"* means title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except §§ 904 and 906 thereof; 20 U.S.C. §§ 1681, 1682, 1683, 1685, 1686.

(b) *"Department"* means the Department of Health, Education, and Welfare.

(c) *"Secretary"* means the Secretary of Health, Education, and Welfare.

(d) *"Director"* means the Director of the Office for Civil Rights of the Department.

(e) *"Reviewing Authority"* means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this Part.

(f) *"Administrative law judge"* means a person appointed by the reviewing authority to preside over a hearing held under this Part.

(g) *"Federal financial assistance"* means any of the following, when authorized or extended under a law administered by the Department:

(1) A grant or loan of Federal financial assistance, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(h) *"Recipient"* means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof.

(i) *"Applicant"* means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.

(j) *"Educational institution"* means a local educational agency (L.E.A.) as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section.

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(k) *"Institution of graduate higher education"* means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(l) *"Institution of undergraduate higher education"* means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) An agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(m) *"Institution of professional education"* means an institution (except any institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(n) *"Institution of vocational education"* means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.

(o) *"Administratively separate unit"* means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(p) *"Admission"* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

(q) *"Student"* means a person who has gained admission.

(r) *"Transition plan"* means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901(a)(2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.3 Remedial and affirmative action and self-evaluation.

(a) *Remedial action.* If the Director finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Director deems necessary to overcome the effects of such discrimination.

(b) *Affirmative action.* In the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246.

(c) *Self-evaluation.* Each recipient education institution shall, within one year of the effective date of this part:

(i) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(ii) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(iii) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(d) *Availability of self-evaluation and related materials.* Recipients shall maintain on file for at least three years following competition of the evaluation required under paragraph (c) of this section, and shall provide to the Director upon request, a description of any modifications made pursuant to subparagraph (c)(ii) and of any remedial steps taken pursuant to subparagraph (c)(iii).

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.4 Assurance required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Director, that each education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Director if the applicant or recipient to whom such assurance applies fails to commit itself to take whatever remedial action is necessary in accordance with § 86.3(a) to eliminate existing discrimination on the basis of sex or to eliminate the effects of past discrimination whether occurring prior or subsequent to the submission to the Director of such assurance.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of Subpart B.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.6 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation.

(Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or

alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.7 Effect of employment opportunities.

The obligation to comply with this Part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.8 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.

(b) *Complaint procedure of recipient.* A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.9 Dissemination of policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that is required by title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to § 86.8, or to the Director.

(2) Each recipient shall make the initial notification required by paragraph (a) (1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) Local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) memoranda or other written communications distributed to every student and employee of such recipient.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Subpart B—Coverage

§ 86.11 Application.

Except as provided in this subpart, this Part 86 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Director a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.14 Membership practices of certain organizations.

(a) *Social fraternities and sororities.* This part does not apply to the membership practices of social fraternities and sororities which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education.

(b) *YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.* This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.

(c) *Voluntary youth service organizations.* This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; Sec. 3(a) of P.L. 93-568, 88 Stat. 1862, amending Sec. 901)

§ 86.15 Admissions.

(a) Admissions to educational institutions prior to June 24, 1973, are not covered by this part.

(b) *Administratively separate units.* For the purposes only of this section, §§ 86.15 and 86.16, and Subpart C, each administratively separate unit shall be deemed to be an educational institution.

(c) *Application of Subpart C.* Except as provided in paragraphs (c) and (d) of this section, Subpart C applies to each recipient. A recipient to which Subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.

(d) *Educational institutions.* Except as provided in paragraph (e) of this section as to recipients which are educational institutions, Subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(e) *Public institutions of undergraduate higher education.* Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.16 Educational institutions eligible to submit transition plans.

(a) *Application.* This section applies to each educational institution to which Subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.

(b) *Provision for transition plans.* An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of Subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.17, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.

(Secs. 901, 903, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.17 Transition plans.

(a) *Submission of plans.* An institution to which § 86.15 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students and, if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which § 86.16 applies shall result in treatment of applicants to or students of such recipient in violation of Subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 86.16 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.18–86.20 [Reserved]

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.16 and 86.17.

(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies shall not:

(i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) Otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.23 Recruitment.

(a) *Nondiscriminatory recruitment.* A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § 86.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 86.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.24–86.30 [Reserved]

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a

recipient, to which Subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) *Assistance administered by a recipient educational institution to study at a foreign institution.* A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution; *Provided,* a recipient educational institution which administers or assists in the administration of such scholarships, fellowship, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

(d) *Programs not operated by recipient.* (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient;

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activtiy takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.32 Housing.

(a) *Generally.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.* (1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) Proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(Secs. 901, 902, 907, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1686)

§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)

§ 86.34 Access to course offerings.

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.35 Access to schools operated by L.E.A.s.

A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(a) Any institution of vocational education operated by such recipient; or

(b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(Sections 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.36 Counseling and use of appraisal and counseling materials.

(a) *Counseling.* A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.

(b) *Use of appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the

use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.

(c) *Disproportion in classes.* Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

§ 86.37 Financial assistance.

(a) *General.* Except as provided in paragraphs (b), (c) and (d) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; (2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) *Financial aid established by certain legal instruments.* (1) a recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; *Provided,* that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) To ensure nondiscriminatory awards of assistance as required in subparagraph (b)(1) of this paragraph, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under subparagraph (b)(2)(i) of this paragraph; and

(iii) No student is denied the award for which he or she was selected under subparagraph (b)(2)(i) of this paragraph because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(c) *Athletic scholarships.* (1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 86.41 of this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

§ 86.38 Employment assistance to students.

(a) *Assistance by recipient in making available outside employment.* A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) *Employment of students by recipients.* A recipient which employs any of its students shall not do so in a manner which violates Subpart E.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.40 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) *Pregnancy and related conditions.* (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.41 Athletics.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by recipient, and no recipient shall provide any such athletics separately on such basis.

(b) *Separate teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing,

wrestling, rugby, ice hockey, football, basketball and other sports the purpose of major activity of which involves bodily contact.

(c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

(ii) The provision of equipment and supplies;

(iii) Scheduling of games and practice time;

(iv) Travel and per diem allowance;

(v) Opportunity to receive coaching and academic tutoring;

(vi) Assignment and compensation of coaches and tutors;

(vii) Provision of locker rooms, practice and competitive facilities;

(viii) Provision of medical and training facilities and services;

(ix) Provision of housing and dining facilities and services;

(x) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) *Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

§ 86.12 Textbooks and curricular material.

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.13–86.50 [Reserved]

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.51 Employment.

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this Subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

(b) *Application.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.53 Recruitment.

(a) *Nondiscriminatory recruitment and hiring.* A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(b) *Recruitment patterns.* A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.55 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.51.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.56 Fringe benefits.

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit

or service of employment not subject to the provision of § 86.54.

(b) *Prohibitions.* A recipient shall not:

(1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or

(3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.57 Marital or parental status.

(a) *General.* A recipient shall not apply any policy or take any employment action:

(1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) *Pregnancy.* A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) *Pregnancy as a temporary disability.* A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) *Pregnancy leave.* In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.58 Effect of State or local law or other requirements.

(a) *Prohibitory requirements.* The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) *Benefits.* A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a *bona-fide* occupational qualification for the particular job in question.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.60 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.62–86.70 [Reserved]

Subpart F—Procedures [Interim]

§ 86.71 Interim procedures.

For the purposes of implementing this part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to title IX and other civil rights authorities administered by the Department, the procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 45 CFR §§ 80–6—80–11 and 45 CFR Part 81.

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[FR Doc.75-14551 Filed 6-3-75;8:45 am]

TITLE IX QUESTIONS AND ANSWERS

GENERAL

1. How does Title IX apply to males?

Title IX prohibits sex discrimination against any student or employee of an education agency or institution, male or female. Discrimination against male students has typically taken such forms as denial of access to certain courses (e.g., clothing construction, modern dance) or differential disciplinary treatment; discrimination against male employees has often involved denial of leave for childrearing or sex-differentiated requirements for extra-duty assignments. All such forms of discrimination against males are prohibited under Title IX (§86.1; §86.51).

2. Will Title IX dilute efforts to fight racism in schools?

Efforts to ensure Title IX compliance and to eliminate sex discrimination need not and should not dilute efforts to fight racism in schools. Many Title IX compliance procedures--e.g., designation of a compliance coordinator, implementation of an internal grievance procedure, implementation of an institutional self-evaluation to identify and correct noncompliance, etc.--can be usefully extended to incorporate race discrimination and Title VI concerns. Awareness of one type of discrimination and tools for its elimination may often assist persons in understanding and combating other forms of discrimination. It is important that where efforts to eliminate racism and sexism can be implemented simultaneously (e.g., the development of an affirmative action program), both issues are kept in mind, while those efforts in which separate treatment of these issues is necessary (e.g., desegregation) are continued.

3. Does the Title IX regulation have anything to do with sexuality?

The Title IX regulation does not require that schools offer courses or instruction in human sexuality. It does require that any such courses offered be made available to both females and males, but they may be provided on a sex separated basis. The Title IX regulation also provides that students may be separated by sex during those portions of health classes which deal exclusively with human sexuality (§86.34(e)).

4. Does Title IX cover textbooks and instructional materials?

Section 86.42 of the Title IX regulation specifically exempts texts and instructional materials from coverage. This was done in order to avoid possible conflict with First Amendment guarantees of freedom of expression. The preamble to the regulation does, however, acknowledge the significance of the problem of sex bias in textbooks, particularly at the elementary and secondary levels. It encourages agencies and institutions to take action to combat the problem, and many have incorporated efforts to secure nonbiased supplementary materials and to develop nonsexist instructional activities within a general Title IX compliance program.

5. What Federal agencies have responsibility for Title IX activities?

Title IX was passed by Congress in 1972; its implementing regulation was issued by the Department of Health, Education, and Welfare in 1975, after it had been reviewed by Congress. The U. S. Office of Education, HEW, has supported the development and support of technical assistance programs to facilitate Title IX compliance. The Office for Civil Rights, HEW, is responsible for the actual enforcement of Title IX in education agencies and institutions. The Office for Civil Rights investigates complaints of Title IX violations which are filed with it; it may also undertake a general compliance review of an education agency or institution with or without the filing of a specific complaint. If the Office for Civil Rights finds noncompliance, it first attempts to achieve voluntary compliance through negotiations. If this is not successful, OCR may terminate eligibility for Federal financial assistance until compliance is attained.

6. Won't Title IX lead to a confusion of students' natural biological roles?

Title IX does not require any activities that would suggest changes in those roles which are determined by the physical gender of the individual. Title IX is directed toward providing students with opportunities to learn work and survival roles traditionally assigned on the basis of sex. Males should be provided opportunities to learn how to take care of their own personal maintenance and the maintenance of a home. Females need opportunities to be adequately prepared for participation in the paid work force and to learn home, appliance, and auto maintenance. All students need to be encouraged to explore personal, academic, and career options which are nontraditional for their sex, and to select from a full range of both traditional and nontraditional options on the basis of their individual interests, abilities, goals, and resources. Title IX is a step in this direction.

7. What if Title IX conflicts with the values of our community?

Schools have a responsibility to prepare young people to function both within and outside their own community. With the high mobility rate in this country, boys and girls need to function as effective adults regardless of where they are living. Furthermore, the purpose and intent of Title IX is to ensure equal educational opportunities for both sexes. If that does indeed exist, young people may make educational choices on the bases of their needs, interests, abilities, and values.

ADMISSIONS

8. Are elementary and secondary schools covered by the admissions requirements of Title IX?

The only elementary and secondary schools which are subject to the admissions provisions of Title IX are schools of vocational education (§86.21(a)). Vocational schools may not treat females and males differently for purposes of school admission.

COURSE ACCESS

9. Does opening all courses to both females and males ensure compliance with Title IX?

The opening of programs, courses, or classes to students without regard to sex is the first step in complying with Title IX requirements for nondiscrimination in access to courses. Other necessary steps include:

- revising all course descriptions, course catalogs, or student handbooks to reflect this policy (§86.9(b))
- ensuring that counselors and counseling tests and materials used in the course selection or placement process do not differentiate on the basis of sex (§86.36)
- taking action to ensure that any sexually disproportionate course enrollments (enrollments which are 80% female or 80% male) are not the result of sex discrimination in counseling (§86.36(c))

10. Is there an obligation to encourage enrollment of students in courses which are nontraditional for their sex?

Title IX requires that when education agencies and institutions have, in the past, discriminated against persons on the basis of sex, they take remedial action to eliminate the effects of past discrimination (§86.3(c)). Agencies and institutions must design and undertake remedial actions which are appropriate to their own unique situations. If an agency or institution has, in the past, restricted course enrollment on the basis of sex, a variety of remedial actions might be appropriate to encourage students to explore previously closed options:

- special recruitment efforts
- provision of "mini courses" or course "open house" days in which all students attend introductory presentations on a variety of courses
- revision of course curricula to meet the interests and needs of students of both sexes
- compensatory activities or programs in areas where one sex has been traditionally excluded
- provision of special support for students first entering classes or programs nontraditional for their sex

These remedial actions can encourage students to consider the range of options which is consistent with their changing options in work and life roles.

11. Must students be allowed to enter advanced courses (e.g., Clothing Construction II, Advanced Auto Body) if they do not have the prerequisites?

Title IX requires that courses be open equally to qualified males and females (§86.34). If students do not have the prerequisites for advanced courses because introductory or intermediate courses were previously closed to students of one sex, equal opportunity could be assured by permitting students to take a proficiency test in order to demonstrate their qualifications for course entry. Course prerequisites may be imposed, but any which function to "screen out" students of one sex must be demonstrated to be related to student safety or performance in the course involved.

12. May health courses or classes be sex-segregated?

Portions of health courses or classes which deal exclusively with human sexuality may be conducted separately for male and female students (§86.34(e)). Students should be separated only during those sessions or parts of sessions which deal with human sexuality; they may not be separated for an entire health course because several days are devoted to human sexuality.

13. Does Title IX make any requirements for course content? For example, does it mean that history courses must devote "equal time" to women and men?

No, Title IX makes no requirements for particular course or instructional content. Schools committed to providing equal educational opportunities for females and males will, however, probably want to review curriculum content to provide equitable representation of the roles and contributions of women and men in history and other courses.

14. May programs such as vocational education programs be maintained separately for males and females (e.g., may a school provide boys' auto mechanics and girls' auto mechanics)?

No, sex separation in vocational education courses is expressly prohibited by the Title IX regulation (§86.34). Many vocational education programs have traditionally justified sex separation by reference to a need for privacy in restroom or changing facilities. Sex separation may not be justified in any program because of limited facilities; Title IX requires that provisions be made to ensure access by both males and females to whatever facilities exist.

PHYSICAL EDUCATION

15. What about sex segregation in physical education? When is it permitted and when is it mandatory?

Physical education courses must be conducted coeducationally for females and males. Students may be separated by sex under two conditions:

1) when they are participating in contact sports (§86.34(c))

2) when grouping students by ability results in groups which are composed predominantly of either females or males (§86.34(b))

Sex separation during contact sports is not mandatory; if it is used, it should be used only during participation in contact activities. If students are to be grouped by ability, ability must be assessed by objective standards for each major activity unit.

16. Where a school can provide only one instructor for a coed physical education class, who will be responsible for the locker room supervision of students of the opposite sex in case of an accident or a fight?

Locker room supervision need not be the responsibility of physical education teachers: paraprofessionals might be assigned, or locker room supervision duties might be rotated among all staff members, as is frequently the case with hall or cafeteria supervision duty.

17. May boys and girls be separated within physical education classes for special interest activities such as modern dance for girls and weight lifting for boys?

Schools may permit students to select physical education courses or activities on the basis of their interest; all options must, however, be open to boys and girls according to the same criteria (§86.34).

COUNSELING

18. How do you recognize illegal sex bias in counseling instruments or tests--career interest inventories, aptitude tests, etc.?

Sex bias can occur in many ways in counseling instruments or tests; some of the "warning signals" of bias include:

- sex-separated testing forms, response forms, or scoring forms, unless procedures for nondiscriminatory use are clearly specified
- sex-separated norms or scoring profiles, unless the rationale for such norms is clearly stated
- sex-separated interpretive information, unless procedures for its nondiscriminatory use are specified
- gender-labeled occupations (e.g., salesman rather than sales worker or person) in career interest inventories

The issue of bias in instruments is a fairly technical one; detailed information on this subject may be obtained from the National Institute of Education. (See the reference section in this publication.)

19. What are some indicators of discrimination in a counseling program?

Possible sex discrimination in counseling programs may be indicated by a variety of circumstances:

- sexually disproportionate course enrollments
- sex "tracking" within various programs--advanced placement programs, programs for learning disabilities, remedial reading programs, or programs for the educable mentally retarded
- provision of career counseling primarily to boys and provision of personal counseling primarily to girls

The presence of any of these circumstances does not necessarily indicate discrimination, but it would indicate that this possibility should be carefully examined.

Discrimination in counseling is, or course, prohibited in such forms as:

- assignment of students to counselors on the basis of sex
- the use of sex-differentiated counseling materials, unless they are used in a nondiscriminatory manner
- the use of sex-differentiated counseling procedures, unless they are used in a nondiscriminatory manner (§86.36)

TREATMENT OF STUDENTS

20. Does Title IX abolish dress codes?

No. Title IX does require that if a dress code is maintained, its rules must be the same for females and males. For example, if there is a restriction upon hair length for males or the wearing of jeans by females, these requirements must be the same for students of the opposite sex (§86.31(b-5)).

21. May a school maintain policies regarding the treatment of students who are married or students who are parents?

Yes, a school may establish policies regarding student marriage or parenthood providing that these policies are applied without regard to sex. It would not be permissible, for example, to restrict the participation of married females in extracurricular activities unless the participation of married males is also restricted (§86.40).

22. Do schools have to do anything special for pregnant students?

Schools may provide separate programs for pregnant students if participation in these programs is at the option of the student. Agencies and institutions are not obligated to provide special programs; they are required only to provide pregnant students access to the ongoing education program (§86.40).

23. May schools restrict the curricular or extracurricular activities of pregnant students?

Yes, but only for medical reasons. Schools may require certification by a physician of a pregnant student's ability to participate in education programs or activities only if a certification is also required for students with other temporary physical or emotional disabilities. Schools may not implement general policies restricting the activities of pregnant students (§86.40(b-2)).

24. May standards of discipline or behavior be different for females and males?

Standards which differentiate between males and females (either in stated policy or in application) in discipline for the same offense are in violation of Title IX (§86.31(b-4)). For example, to detain girls for smoking while suspending boys for the same offense would not be permissible.

ATHLETICS

25. If interscholastic athletics are provided intermediate school boys, must they be provided for girls also if the girls are offered intramural athletics?

Yes, if there are enough girls interested to make up a team. Athletic opportunities should be comparable for females and males, and level of competition is one factor which must be considered in assessing comparability. Other factors include:

- whether the interests and abilities of girls and boys are effectively provided for
- availability of facilities and equipment
- availability of coaching, tutoring, and medical services
- availability of necessary financial resources (§86.41(c))

26. If the state athletic association's policies or regulations conflict with Title IX, which has priority?

Title IX. According to §86.58, the Federal statute supersedes State or local law or other requirements.

27. If young women can participate on young men's teams, why can't young men play on young women's teams?

The Title IX regulation does not require that all males' teams be opened to females while all females' teams remain closed to males. What it does require is that where overall athletic opportunities for students of one sex (male or female) have been limited in the past, students of that sex must be permitted to try out for membership on teams provided for students of the other sex, unless the sport involved is a contact sport (§86.41(b)). In most education agencies and institutions, overall athletic opportunities have been greater for males than for females; thus females would now be entitled to try out for males' teams. In any case where females' overall opportunities have exceeded those of males, males would be permitted to try out for females' teams. This requirement is not intended to discriminate against males; rather it is intended to give those students who have previously suffered discrimination an opportunity to "catch up."

28. May a school district maintain separate letter clubs for male and female athletes?

No, offering separate letter clubs for males and females would be a violation of §86.3(a). That section prohibits excluding students on the basis of sex from participating in extracurricular activities operated by the institution.

29. Should girls'athletic awards be the same as those awarded to boys?

The automatic awarding of a letter to boys and a charm to girls would clearly be in violation of Title IX requirements (§86.41). Where schools or districts wish to accommodate possible differences in student preferences, all athletes, male and female, should be offered a choice of awards. For example, all qualifying athletes could be offered a choice of a letter jacket or a letter sweater, rather than routinely providing a jacket for males and a sweater for females.

30. What is required for the provision of equality in the scheduling of facilities for practice or for competitive events?

The scheduling of the use of athletic facilities for practice and for competitive athletic events must be done in a manner which does not discriminate on the basis of sex (86.41 (c-iii)). To consistently provide female athletes or teams the use of a gym or other practice facility before school, while consistently providing male athletes or teams access to the same facility after school would not be sufficient to constitute equality. To consistently schedule athletic competition by males on Friday or Saturday nights while consistently scheduling females' competition on Wednesday afternoons would also not constitute equality. Times for use of facilities for practice and for competition need to be scheduled so as to provide equal access, convenience, and visibility for female and male athletes. For example, girls' and boys' basketball teams might both play on Friday nights and alternate early and late time slots over successive events (e.g., week one: girls--6:30, boys--9:00; week two: boys--6:30, girls-- 9:00).

31. Suppose that equipment for boys' interscholastic teams is donated by individuals and community groups. Does the school district then have to purchase equipment for girls' teams?

Title IX requires that boys' and girls' teams must have equal access to comparable equipment. If a district accepts gifts of equipment for boys' teams, then the district must ensure that comparable equipment is provided for girls' teams. It may solicit donations of additional equipment but, if these are not available, the district must purchase or obtain comparable equipment for girls' teams.

32. Should the girls' basketball coach receive the same pay as the boys' basketball coach?

Payment for coaching services may not be differentiated based on the sex of the students coached or on the sex of the coach. Salary differentials for coaching services may be based on such objective factors as the number of games played, the number of coaching assistants, and the length of the season for a particular sport. They may not be based on subjective factors such as community pressure or technicality of the sport involved.

EMPLOYMENT

33. Must a school grant paternity leave to male employees?

If female employees are granted leave for childrearing purposes (leave without pay granted after the birth of a child when a woman is physically able to return to work), then the same benefit must be extended to male employees. A school or school district is not required to grant childrearing or parental leave to employees of either sex; but if it is granted to members of one sex, it must be granted to members of the other.

34. Does the employment section refer only to faculty members?

No, the employment sections 86.51 - 86.61 cover all employees of an educational institution, including student employees.

35. May a school hire a social studies teacher on the basis of a job discription which pairs the social studies teaching assignment with responsibility for coaching the football team?

Although the Title IX regulation does not specifically prohibit the pairing of such unrelated job assignments as social studies teacher and football coach, it does prohibit any hiring practice which results in a systematic denial of employment opportunities to members of one sex. Court action regarding this specific hiring situation has been brought under other Federal antidiscrimination laws, and the courts have held such paired job descriptions to be illegal because they have a discriminatory impact on the employment of females.

APPENDIX B:

GENERAL INTRODUCTION FOR CONDUCTING TEAM EXERCISES

INTRODUCTION

This series of activities for the Sex Equity seminar is designed to provide an opportunity for participants to exchange ideas with others on the application of the concepts covered in the workshop.

The exercise activities can be used at various points in the seminar. You may, if you wish, use all of them or only those which you feel are most applicable to the needs of your group. However, you should decide which exercises you plan to use as soon as possible so that you can lay out an accurate timetable for the program.

ROLE OF THE WORKSHOP LEADER

You will introduce the participants to the topic and to the plan of each activity, but generally stand aside while they play it. You won't, for example, participate in the discussions and decision making while these are taking place, but you will pull together the experiences of the teams in a concluding summary when you will compare the discussions and decisions of competing teams, and review them for the benefit of the entire group. Suggestions on how this can be done for each activity are provided in the leader's notes for each session of the seminar. In brief, you will act as a resource which the group can draw upon. In this way, you will help participants derive the maximum benefits from their participation.

Each exercise is administered in three basic segments:

1. You make a few brief introductory remarks, as suggested in the leader's notes for each activity.

2. Participants work on the activity in small teams, with minimum supervision. You answer administrative questions and keep an eye on the time.

3. After each activity, you conduct a brief concluding discussion dealing with substantive questions, and you compare the solutions arrived at by the various teams and furnish participants with additional feedback, when necessary.

PROCEDURE

It is important that you become thoroughly familiar with the activities. You should know each of them well enough to be able to answer any questions that arise.

I. BEFORE EACH ACTIVITY

a. See that the room is set up properly: the participants should be able to sit 4 or 5 to a table, facing each other. If only long tables are available, one team can sit around each end in a semi-circle.

b. See that the following materials are available:

1. pencils with erasers for each participant

2. a blackboard or flip chart for recording final results and summarizing the session

3. a workbook for each participant. DO NOT DISTRIBUTE THE BOOKLETS UNTIL THE TEAMS ARE SEATED.

c. Select the teams: Ideally, for most activities, teams should consist of 5 members each. If more than 5 but fewer than 10 people participate in the seminar, two smaller groups are preferable to one large group. Teams with an even number of participants sometimes deadlock on items and cause delays. If four-person teams are used, you should provide help in overcoming deadlocks, if necessary.

Teams should consist of people who do not work closely together, since the free exchange of new ideas is of great importance in this workshop. Participants who work together should be asked to change groups. Under no circumstances should a superior and subordinate be on the same team.

II. AFTER THE TEAMS ARE SEATED

a. Distribute the workbooks: Tell the participants not to open them until you direct them to do so.

b. Make your introductory remarks: For suggestions, see the leader's notes for each activity.

c. Give the teams their specific instructions:

1. Explain that throughout this seminar, participants will be working on various problems in small teams.

2. Explain that most decisions are to be made by the individual before the team discussion takes place. Decisions are then made by the team; these are always the result of discussion.

3. Since in every group there are usually a few people who are somewhat apprehensive when starting this kind of learning experience, it is worthwhile to say a few words at the beginning of the first activity to reassure them. You could remind them that the purpose here is to acquire useful new ideas. It is also worthwhile to remind them that personal decisions can be changed during team discussion. This should relieve concern about an occasional poor choice or inappropriate personal decision.

III. DURING EACH ACTIVITY

Circulate among the teams and give help if necessary:

1. You may wish to note some of the substantive questions that arise during the activity for use during the discussion that follows.

2. More detailed questions about the background of the activity are best handled by pointing out that a decision should be possible without additional information and that all teams are working with the same material.

3. Many questions are procedural, and these are covered by the instructions. Ask the team members to re-read the instructions carefully; if this fails, simple directions from you will usually suffice to clarify the procedure.

IV. AFTER EACH ACTIVITY

Conduct a brief discussion:

1. Record the more controversial decisions on the blackboard or on a flip chart. If time permits, allow some discussion of items that seem to have aroused greatest interest and difference of opinion (your observations during the session will help you here).

2. If you want to be very thorough, concentrate on one item at a time; have a spokesperson from each team state the team's decision.

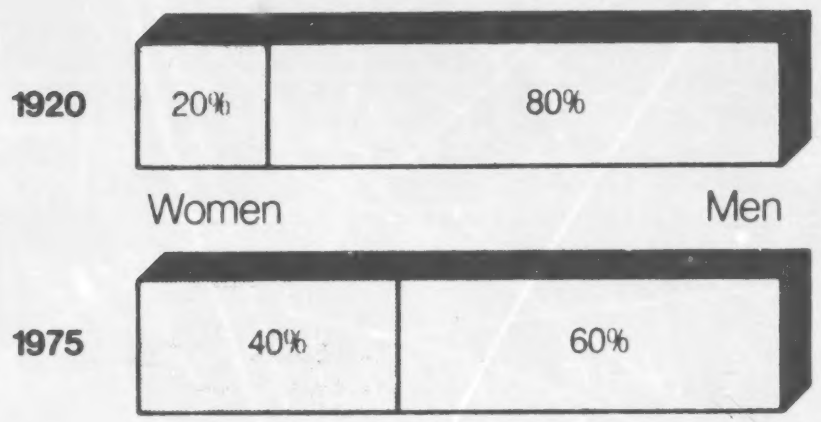
3. Provide feedback as suggested in the section of this leader's guide where each activity is discussed in detail.

APPENDIX C:

WORK FORCE TODAY

The nearly 37 million women in the civilian labor force are a cross section of all women in the Nation. They are of all ages from 16 to 70 or more and of every race and color. They include the married, the never married, the widowed, and the divorced or separated; and they live on farms, in suburbs, and in central cities.

During the last 55 years the ranks of women workers have risen from only 1 out of 5 to 2 out of 5 of all workers:



Over this period the profile of the average woman worker has changed greatly--from that of the 28-year-old single factory worker or clerk of 1920 to that of the 35-year-old woman of today who may be found in any of a great number of occupations.

Women accounted for nearly three-fifths of the increase in the civilian labor force in the last decade. They have supplied many of the workers needed for expanding industries--particularly the service-producing industries where their contribution is necessary to the continued functioning of such vital areas as health and education. Women also continue to provide an important labor resource for the goods-producing industries, and are making inroads into occupations of a more nontraditional nature. Who are these

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Note.--Data in this report refer to persons 16 years of age and over in the civilian labor force, unless otherwise indicated. Figures are from the U.S. Department of Commerce, Bureau of the Census, and U.S. Department of Labor, Bureau of Labor Statistics.

women workers? What jobs do they hold? What are their work patterns? How much do they earn? The statistical profile which follows provides some of the answers to these questions.

Personal Characteristics

The likelihood that a woman will be in the labor force at any particular time varies considerably according to her age, marital and family status, education, race or ethnic background, and, if married, her husband's income. However, 9 out of 10 girls will work at some time in their lives.

Age

In 1975, 46 percent of all women 16 years of age and over were in the labor force, considerably higher than the 34-percent rate which prevailed 25 years earlier. Although women are most likely to be working if they are young, have no children, and have completed their schooling (18 to 24 years old), their rate of participation is also relatively high and consistent (about 55 percent) in the so-called prime working years of 25 to 54. In fact, the greatest gains in labor force rates since 1950 have been registered among women 20 to 54 years of age. Women are least likely to be in the labor force if they are under 18 or over 54 years of age.

Women Workers in 1950 and 1975

(Numbers in thousands)

Age	1975		1950	
	Number	Percent of population	Number	Percent of population
16 years and over	36,998	46.3	18,389	33.9
16 and 17 years	1,652	40.2	611	30.1
18 to 64 years	34,313	54.3	17,195	37.2
18 and 19 years	2,387	58.1	1,101	51.3
20 to 24 years	6,069	64.1	2,675	46.0
25 to 34 years	8,456	54.6	4,092	34.0
35 to 44 years	6,492	55.8	4,161	39.1
45 to 54 years	6,666	54.6	3,327	37.9
55 to 64 years	4,244	41.0	1,839	27.0
65 years and over	1,033	8.3	584	9.7

Marital Status

Almost three-fifths (58 percent) of all women workers are married and living with their husbands; more than one-fifth (23 percent) have never been married; and nearly one-fifth (19 percent) are widowed, divorced, or separated from their husbands. Forty-four percent of all married women are in the labor force--considerably more than widows (24 percent), a great many of whom are elderly. But married women are less likely to be labor

force participants than divorced or separated women (65 percent) or never married women (57 percent). These labor force participation rates are substantially greater than those which prevailed in 1950.

Marital Status of Women Workers in 1950 and 1975

(Numbers in thousands)

Marital status	1975		1950 1/	
	Number	Percent of population	Number	Percent of population
Never married	8,464	56.7	5,621	50.5
Married (husband present)	21,111	44.4	8,550	23.8
Divorced or separated	4,479	64.8	723	2/47.4
Widowed	2,453	24.3	2,901	3/36.0

1/ Data are for women 14 years of age and over.
2/ Separated only.
3/ Widowed or divorced.

Children

The number of working mothers (women with children under 18 years of age) has increased more than threefold since 1950. There were about 14.1 million mothers in the labor force in March 1975, an increase of 4.5 million in the last decade. About 5.4 million of these working mothers had children under the age of 6. Of the 27.6 million children of working mothers, 21.1 million were 6 to 17 years of age and 6.5 million were under the age of 6. Among the children of working mothers, 5.0 million had mothers who were heads of families; 1.1 million of these children were under the age of 6.

The 47.4-percent labor force participation rate of mothers in March 1975 was slightly higher than the rate for all women (46 percent). In 1950 the rate for mothers was two-thirds as high as for all women. Although studies confirm the fact that the presence of young children in the family has an important effect on the mother's labor force participation decisions--with the lowest rates registered by those mothers with children under 6--the rates for mothers with children of any age have increased markedly since 1950.

Labor Force Participation Rates of Mothers,
Selected Years, 1950-1975

Year	Mothers with children		
	Under 18 years	6 to 17 years	Under 6 years 1/
1950	21.6	32.8	13.6
1955	27.0	38.4	18.2
1965	35.0	45.7	25.3
1975	47.4	54.8	38.9

1/ May also have older children.

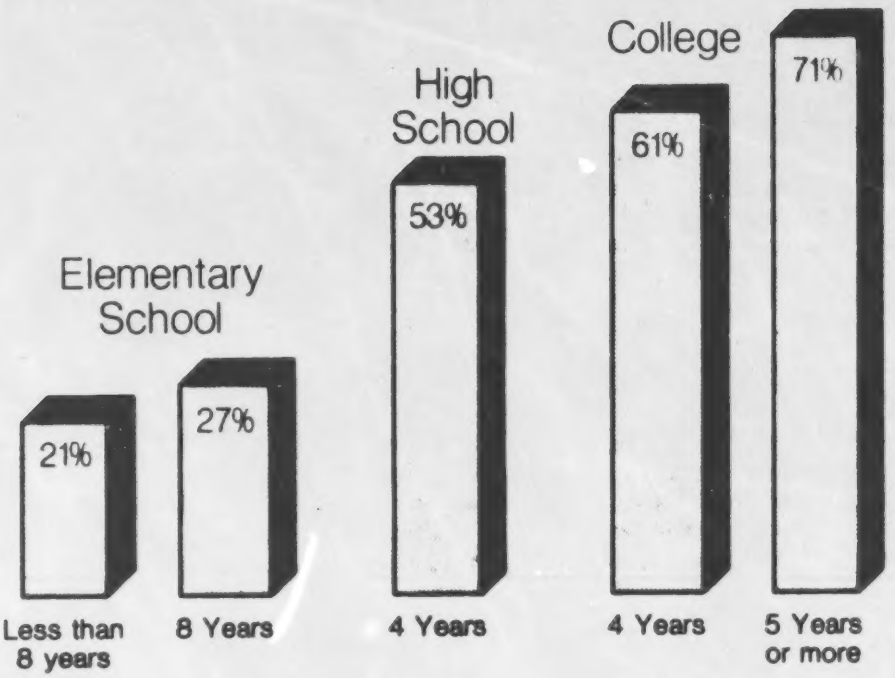
Note: For 1950 and 1955, data are for April; for 1965 and 1975, data are for March.

Among married women living with their husbands, nearly two-fifths of those with children under 6 years but more than half of those with school-age children only are workers. Among widows, divorcees, and women separated from their husbands, however, more than half (55 percent) of those with preschool children are workers. But if they have school-age children only, about 2 out of 3 of these women are in the labor force.

Education

The average woman in the labor force has completed a median of 12.5 years of schooling--the same number of years as her male counterpart. About 7 out of 10 women workers have at least a high school education. Of all women in the labor force, more than 1 out of 4 has completed 1 or more years of college and 1 out of 8 is a college graduate. A much higher proportion of women workers 20 to 34 years of age are high school graduates (85 percent) than are women workers 35 years and over (68 percent).

Generally the more education a woman has, the more likely she is to be in the labor force. Of all women 16 years of age and over who had completed less than 8 years of schooling, about 1 out of 5 was in the labor force in March 1975. However, about half of those who had completed high school and about 7 out of 10 of those who had 5 years or more of college were workers, as shown in the following chart.



About 29 million girls and women 3 to 34 years of age were attending school in the fall of 1974. The 3.9 million women (under age 35) enrolled in college were about 44 percent of all college students under 35. The number of black women in college in October 1974 (392,000) was more than 3 times the number in October 1964.

Minority Races 1/

About one-eighth of all women workers are of minority races (about 4.8 million women). Their labor force participation rates are generally higher than those of white women. Forty-nine percent of all minority women but only 46 percent of white women were in the labor force in 1975. Among women of the usual working ages (18 to 64), the respective proportions were 56 and 54 percent. Minority women constitute almost 46 percent of all minority workers.

1/ Data for minority races refer to all races other than white. Negroes constituted 89 percent of all persons other than white in the United States in 1970; Orientals, 8 percent; and American Indians, 3 percent. Spanish-origin persons are generally included in the white population--about 93 percent of the Spanish-origin population is white.

Black.--Eleven percent of all women workers in 1975 were black. Forty-nine percent of black women were workers. The highest labor force participation rate was among those 25 to 34 years of age (63 percent).

Spanish origin.--About 4 percent of all women workers in 1975 were of Spanish origin. Forty-two percent of Spanish-origin women were in the labor force. The highest labor force participation rate was among those 20 to 24 years of age (55 percent).

Husband's Income

A married woman is most apt to be working if her husband's income is between $7,000 and $9,999; 50 percent of such women work. She is least apt to be working if her husband's income is below $5,000 or is $10,000 or over (35 and 45 percent, respectively).

Employment Characteristics

Worklife Patterns

Typically a woman enters the labor force after she has finished her schooling and works a few years before she marries and has her first child. A very small proportion of women leave the labor force permanently at this time. For those married women who continue to work, most will experience some breaks in employment during their childbearing and childrearing years. However, an increasing proportion of young married women with and without children are remaining in the labor force. More than 4 out of 10 married women 25 to 34 years of age were workers in March 1975, as compared with 3 out of 10 in 1965 and more than 2 out of 10 in 1950.

Of the 43 million women who were not in the labor force in 1975, nearly 35 million were keeping house, nearly 4 million were students, and about 4 million were out of the labor force because of ill health, disability, or other reasons.

Full-Time and Full-Year Workers 2/

Almost 7 out of 10 women workers have full-time jobs at some time during the year, but just over 4 out of 10 work at full-time jobs the year round. Women 16 to 19 years of age, most of whom are in school, are least likely to be employed full time the year round--only 9 percent of those who worked at any time in 1974 were so employed. Women 55 to 59 years of age are most likely to be fully employed the year round (57 percent in 1974).

Part-Time Workers

Part-time employment frequently is preferred by married women with family responsibilities (especially women with young children), students, and women

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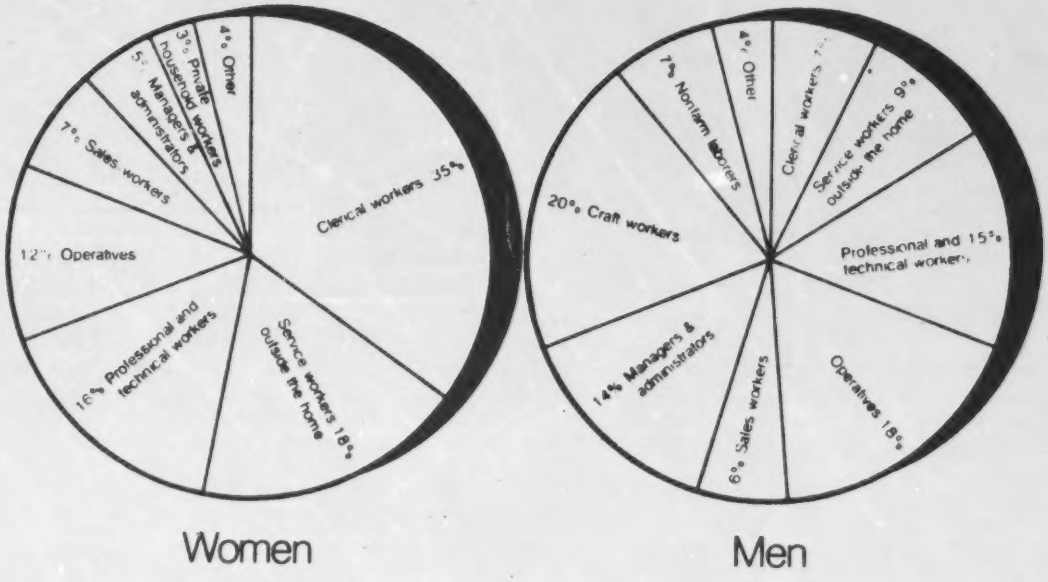
2/ Persons who work 35 hours or more a week, 50 to 52 weeks a year.

65 years of age and over. However, some women work part time involuntarily because they are unable to find full-time jobs. Thus, 13.9 million women (or 33 percent of all women workers) had part-time jobs at some time during 1974. Part-time work is most common among farm, private household, and sales workers. But many women also hold part-time jobs as waitresses or cooks; bookkeepers; stenographers, typists, or secretaries; teachers; and medical or other health workers.

Occupations

The occupational distribution of women is very different from that of men. This is shown in the following charts for employed persons in 1975.



Women are more apt than men to be white-collar workers, but the jobs they hold are usually less skilled and pay less than those of men. Women are two-fifths of all professional and technical workers, but these women are most likely to be teachers (2.1 million women) and health workers (1.4 million). In fact, women account for 72 percent of teachers (except college) and 64 percent of all health workers. Women are less likely than men to be managers and administrators, and represent only about one-fifth of these workers. They are, however, 78 percent of all clerical workers (including more than 4 million women secretaries, stenographers, and typists).

About 1 out of 7 women workers is employed in a blue-collar job, but almost half the men are in such jobs. Women are almost as likely as men to be operatives, but are very seldom employed as skilled craft workers--the occupation group for 1 out of 5 men workers. Only 5 percent of all craft workers are women.

More than 1 out of 5 employed women but only 1 out of 11 men is a service worker. Eight out of 10 women and virtually all of the men service workers are employed in occupations other than private household work.

Minority women are less likely than white women to hold white-collar jobs (44 percent compared with 63 percent), and are more likely to be in service work (37 percent compared with 20 percent) or blue-collar work (18 and 14 percent, respectively). The proportion of minority women employed in clerical work has continued to increase, reaching 25 percent in 1975. At the same time, the proportion in private household work has continued to decline, dropping to 11 percent. A decade ago these figures were 12 and 30 percent, respectively.

Unemployment

Unemployed women numbered 3.4 million and accounted for 44 percent of all unemployed persons in 1975. Unemployment rates are consistently higher for women than for men, for teenagers than for adults, and for minorities than for whites, as shown below:

Race and age	Unemployment rate in 1975	
	Women	Men
All races	9.3	7.9
16 to 19 years	19.7	20.1
20 years and over	8.0	6.7
White	8.6	7.2
16 to 19 years	17.4	18.3
20 years and over	7.5	6.2
Minority races	14.0	13.7
16 to 19 years	38.5	35.4
20 years and over	11.5	11.7

In March 1975 nearly half a million unemployed women were family heads. Their rate of unemployment was 10.0 percent, compared with 6.0 percent for men family heads in husband-wife families.

Earnings

Among full-time workers employed throughout 1974, women's median earnings were less than three-fifths of those of men--$6,772 and $11,835, respectively. There are many reasons for this earnings gap. For example,

men on the average have had more years of worklife experience than women. And even on full-time schedules, women work fewer overtime hours a week than men. Furthermore, the concentration of women in certain low-wage occupations and industries is a primary factor in their lower average earnings level. Nevertheless, various research studies have found that a differential between the earnings of women and men remains after adjusting for such factors as education, work experience, and occupation or industry group.

Median wage or salary incomes of year-round full-time women workers 14 years of age and over in selected major occupation groups in 1974 (latest data available) were as follows:

Major occupation group	Income	As percent of men's income
Professional and technical workers	$9,587	66
Nonfarm managers and administrators	9,195	59
Clerical workers	6,868	60
Sales workers	5,114	41
Operatives (including transport)	5,848	58
Service workers (except private household)	5,206	60

The median wage or salary income of year-round full-time women workers of minority races was only $6,611 in 1974--about 94 percent of that of white women, 73 percent of that of minority men, and 54 percent of that of white men. In 1964, the median income of minority women was 69 percent of that of white women.

Working Wives' Contributions to Family Income

The money contributions of working wives are of crucial importance where they raise family income above the low-income level or from a low to a middle level.3/ Only 4 percent of all husband-wife families had incomes below $5,000 in 1974 when the wife was a worker; 13 percent, when she was not.

Among all wives who worked during 1974, the median contribution was more than one-fourth of the total family income; among those who worked year round full time, it was nearly two-fifths. About 2.5 million wives, or 12 percent of all wives who worked, contributed half or more of the family income.

3/ The low-income or poverty level is based on the Bureau of the Census definition of poverty, adjusted annually in accordance with changes in the Department of Labor's Consumer Price Index. Classified as poor in 1974 were those nonfarm households where total money income was less than $2,495 for an unrelated individual, $3,211 for a couple, and $5,038 for a family of four.

Family Heads

Among all families, about 1 out of 8 was headed by a woman in March 1975. Of the 7.2 million female family heads, 3.9 million, or 54 percent, were in the labor force. Nearly two-thirds of these women workers were the only earners in their families. About 1 out of 10 women workers was head of the family. Nearly one-third (32 percent) had incomes below the low-income level in 1974. Among the 2 million minority women workers who headed families, 35 percent had incomes below the low-income level.

Among all families with income below the poverty level in 1974, 46 percent were headed by women; about 65 percent of such minority families were headed by women. Among all minority families, almost 1 out 3 was headed by a woman.

Outlook

An increase in employment opportunities for women depends largely upon a continued improvement in general economic conditions. During 1974 and early 1975 the unemployment rates of women, as well as those of men, rose steadily, reaching post-World War II highs as many businesses were forced to restrict hirings and resort to layoffs to counter the economic slowdown.

As the economy recovers and the upward trend in employment continues, the outlook for women workers should be favorable. Women should enjoy opportunities in selected professional and technical, managerial, clerical, skilled craft, and service occupations. In addition, legislation prohibiting sex discrimination in employment will continue to open up new opportunities for women to train for and enter into more diversified jobs and to advance to jobs of higher skill level. Women who are informed about opportunities before making career selections will be able to capitalize on these opportunities in fields where skilled workers will be in demand.

In addition to new job opportunities in expanding occupations, advances in the educational attainment of women in particular fields, greater longevity of women, and the trend toward smaller families all point to continuing increases in the labor force participation of women.

October 1976 (revised)

APPENDIX D:

BRIEF GLOSSARY

Sex Bias - Behavior resulting from the assumption that one sex is superior to the other.

Sex Discrimination - Any action which limits or denies a person or persons opportunities, privileges, roles, or rewards on the basis of their sex.

Sex Equity - Assuring completely equal treatment of people regardless of their sex.

Sex Role Stereotyping - Attributing behaviors, abilities, interests, values and roles to a person or group on the basis of their sex.

PARTICIPANT WORKBOOK

SEX EQUITY

in self-views
in school practices
in career counseling

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Office of Occupational and Continuing Education,
Special Programs

CASE 24-78
October 1978

The materials herein were developed under
VEA Grant No. 78-3F-191 SB

INTRODUCTION AND OVERVIEW

You are about to participate in a series of workshop exercises which have been designed to help you and other educators, counselors, and administrators throughout New York State gain a clearer appreciation of sex-bias and its implications for various school activities and practices.

The workshop activities are divided into three distinct, yet obviously related segments:

- In SECTION I: EXAMINING YOUR OWN VIEWS ON SEX FAIRNESS, you will have a chance to clarify perceptions of your views with respect to sex equity, and to share some of those feelings with your associates.

- In SECTION II: UNDERSTANDING SEX EQUITY LEGISLATION, you will sharpen your understanding of this important legislation and develop approaches which help assure that the practices and policies in your school comply fully with the regulations in Title IX of the Education Amendments of 1972.

- In SECTION III: DEVELOPING STRATEGIES FOR SEX-FAIR CAREER COUNSELING, you will exchange ideas and techniques on a variety of simulated activities designed to help you guide your students in making career choices.

Throughout this series of activities,you will be working in small teams of between three and six people per team. Because of the nature of the topics that you will discuss, it would be desirable to have male and female members on your team.

In many of the activities within this workshop,you will be called upon to make individual, personal decisions first and then to discuss your ideas with the other members of your team. When making your group decisions, you can follow strict majority rule, if you wish. Your decisions will probably be better, though, if you first discuss the issues fully with members of your team and try to achieve an actual consensus.

After your team has completed each activity, your workshop leader will probably interrupt to explore, in further detail, the activity you have just completed. Your workshop leader will discuss your team's conclusions as they relate to specific situations and needs within your own school and, wherever possible, how they can be translated into policies and practices which will lead to greater sex equity.

In some of the activities, your workshop leader will provide you with some possible alternative approaches for handling the situations.

The activities in which you are about to participate provide a forum for an exchange of ideas. You should measure your success during the workshop by the number of new insights and new ideas you gain about your personal attitudes and knowledge with respect to sex fairness,and not by the frequency with which you personally achieve the "right" solution to each problem situation.

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*Participant Workbook, Page 1

To receive the greatest benefits from your participation, you should study the attitudes and ideas of others on your team and, as they make their decisions, compare them with your own thoughts and behavior.

Appoint one member of your team to watch the suggested time limits so that you will finish each activity within the specified time. These time limits, however, are for your guidance only. When discussion is to the point and meaningful, do not adhere to them strictly, but complete your discussion before moving on.

SECTION I: EXAMINING YOUR OWN VIEWS ON SEX FAIRNESS

INTRODUCTION TO SECTION I

Everyone has personal views on the respective roles of the sexes. These views influence our own life style, our attitudes towards ourselves and others, and the actions that we take in our everyday lives.

Many people have come to believe that particular attributes or characteristics of the sexes are biologically or genetically determined, when frequently they are the result of subtle, yet pervasive conditioning starting at infancy. These beliefs obviously play a significant role in the way educators counsel students, even though all professionals would agree that personal values should not influence such counseling.

It is, of course, equally undesirable to advise students to pursue "non-traditional" careers simply because laws, administrative influences within the school, and other factors suggest that everything should be done to avoid sex bias. Equal opportunity clearly does not mean that schools should assume the responsibility to redress past societal errors by forcing choices not in the best interest of an individual.

Basically, what is important is to provide fair and equal treatment to all young people within the educational system. Counseling should be based on individual student characteristics, interests and abilities, and on the requirements for success in entry-level jobs and in the careers to which these jobs lead.

Biological and physical differences do exist between the sexes, as much if not more than between individual members of one sex. It is important to acknowledge these differences, but they should be separated from those which are culturally determined. Counseling should be based on factual evaluation of all characteristics and capabilities of the individual.

We are in a time of transition when our society is struggling to shake off long established, deeply rooted, yet subtle, biases. This places special responsibilities on educators to:

1. Achieve greater awareness of their personal attitudes and beliefs, whatever they might be.

2. Participate in or lead a detailed analysis of practices and policies within their respective schools to uncover any which may limit choices of students.

3. Participate or lead in the development and implementation of programs which will provide greater equality in the guidance and career counseling of both sexes.

For these reasons, the program you are starting contains the three segments outlined on Page PW1. This first segment probably is the most difficult one because it asks you to critically scrutinize your own attitudes and beliefs for evidence of biases of which you may not be aware. Only with a clear picture of your own attitudes can you be certain that they do not interfere with your counseling efforts.

Achieving more thorough self-awareness requires that you:

1. Examine your personal views from time to time.

2. Examine WHY you believe what you believe and to what extent this is based on evidence.

3. Determine what actions you can take so that your attitudes and beliefs will not get in the way of your responsibility to objectively counsel students for careers in a rapidly changing world.

To help you with these steps, the first several activities in this workshop will focus on increasing self-awareness. If you approach these activities openly, you can gain a great deal from them. If, on the other hand, you try to anticipate the outcome of these activities by taking the view that there are no differences between the two sexes at all, or by indicating only the most "socially acceptable" responses, these activities will have less value for you and for other members of your group.

ACTIVITY I-1, OCCUPATIONS

In this activity you will explore occupations as they are today and as they would be, if no sex bias existed.

WITHOUT DISCUSSION with the other members of your team, review the list of occupations which follows and first, for each occupation, decide on your estimate of the percentage of females in that occupation.

Enter your decisions by placing your estimate of females in the Personal Decision column marked "today".

Then, review the list once again, and decide how you would make the same decisions in a society of several decades into the future where no sex bias exists and each occupation is equally attractive to both men and women. Indicate your decisions by placing a percentage figure in the column marked "future". TIME: 8 minutes.

After people on your team have indicated their personal decisions, DISCUSS them and try to arrive at your team decisions. Enter your group's percentage estimates in each of the two Team Decision columns.

As you try to achieve your team consensus for decisions in the "future" column, you should focus on the specific reasons why people made their decisions the way they did. Do NOT take a simple numerical average until AFTER you have discussed these reasons in detail. If your team feels a particular occupation may NOT have a 50%/50% split between men and women, your team discussion should focus on the reasons why you feel this way. In some instances, you will find that it is difficult, if not impossible, to achieve a full consensus for certain occupations on the list. If that is the case, you should skip those that cause really lengthy discussions and return to them after you have completed your discussions of the other items on the list. Use the column marked "Notes on Reasons" to enter notes you find are appropriate to explain why your team made its decisions the way it did on each occupation. TIME: 20 minutes.

ENTER YOUR ESTIMATES OF THE PERCENTAGE OF FEMALES IN EACH OCCUPATION

	PERSONAL DECISIONS		TEAM DECISIONS		NOTES ON REASONS
	Today	Future	Today	Future	
1. Engineer					
2. Nursery School Teacher					
3. Practical Nurse					
4. Keypunch Operator					
5. Bus Driver					
6. Computer Specialist					
7. Office Receptionist					
8. Automobile Mechanic					
9. House Worker (Domestic)					
10. Engineering Technician					
11. Tool and Die Machinist					
12. Building Maintenance Person					
13. Shipping and Receiving Clerk					
14. Plumber					
15. Electrician					
16. Waiter/Waitress					
17. Hairdresser					
18. Secretary					
19. Firefighter					
20. Bank Teller					
21. Lawyer					

As a reminder, after you have completed your personal decisions, DISCUSS them as a team.

ACTIVITY I-2, ROLES

Now that your group has explored what it feels are the sex-related aspects of certain occupations, in this activity you will be given a chance to sharpen your views on the various roles of females and males.

THIS ACTIVITY IS IN TWO PARTS. IN EACH PART, COMPLETE YOUR PERSONAL AND TEAM DECISIONS FIRST, BEFORE PROCEEDING.

Part A

Following are several statements designed to help you clarify your views on the various roles of men and women. WITHOUT DISCUSSION with the other members of your team, review these statements now and indicate your answers by circling a number 1, 2, 3, 4, or 5 in the Personal Choice column to indicate the strength of your Agreement or Disagreement. TIME: 10 minutes.

	PERSONAL CHOICE							TEAM CHOICE						
	Agree					Disagree		Agree					Disagree	
1. Women with young children should not take jobs unless there is financial need.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
2. Although women may say that they want careers, their primary interest is to become wives and mothers.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
3. Although women can be socialized to be competitive in the business world, this is contrary to their tendency to be gentle and nurturing.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
4. Since most women are subject to mood swings and can become emotional and excitable, at least part of the month, they should not hold positions that require stable judgment.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
5. Due to the fact that men do better than women in scientific subjects, it would be a disservice to encourage women to pursue careers in this area.	A	1	2	3	4	5	D	A	1	2	3	4	5	D

	PERSONAL CHOICE							TEAM CHOICE						
	Agree					Disagree		Agree					Disagree	
6. Assertive women alienate their co-workers, bosses, and teachers. Therefore, it is important for counselors not to provide encouragement for outspoken behavior in female students.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
7. In the long run, since men are heads of households, women who work are taking income away from other families.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
8. While one may legislate sex equity principles, the actual practices lag so far behind the rulings that it would be a disservice to encourage women to train for non-traditional careers.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
9. A working mother can establish as strong and secure a relationship with her children as a mother who stays at home full time.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
10. A working wife will become too independent.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
11. A married man's chief responsibility should be to his job.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
12. Pre-school children suffer if their mothers work.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
13. It is more important for a wife to help her husband in business than to have a career of her own.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
14. If a young, single woman is doing exactly the same kind of work as a married man with children, she should receive the same rate of pay.	A	1	2	3	4	5	D	A	1	2	3	4	5	D
15. If a woman is not satisfied being a wife and mother, it is a sign she has emotional difficulties.	A	1	2	3	4	5	D	A	1	2	3	4	5	D

After all the people on your team have completed their personal decisions for each of the statements, DISCUSS each item as a team. To the extent possible, try to come to a team consensus on how your team feels each statement should be answered. Circle the number in the Team Choice column to indicate your team's decision. TIME: 15 minutes.

Part B

Once again, WITHOUT DISCUSSION, review the statements which follow. In the Personal Choice column enter the letter A, B, C, D, or E to indicate your personal feelings.

A = more common in men for biological reasons
B = more common in women for cultural reasons
C = equally common in both sexes
D = more common in women for biological reasons
E = more common in men for cultural reasons

TIME: 5 minutes.

When all members of your team are finished, DISCUSS your decisions. In the Team Choice column enter an A, B, C, D, or E to indicate your team's preference. TIME: 10 minutes.

	PERSONAL CHOICE	TEAM CHOICE
1. Objectivity and rationality are:		
2. The ability to reason abstractly is:		
3. Aggressiveness is:		
4. A capacity for deep feeling is:		
5. Nurturing capacity is:		
6. Empathy and intuition are:		
7. Independence is:		

ACTIVITY I-3, EMPLOYMENT

Now that you have exchanged ideas on the occupations and roles of males and females, in this activity you will explore a series of statements pertaining to employment of the sexes.

WITHOUT DISCUSSION with the other members of your group, review each statement on the questionnaire that follows and, in the Personal Choice column, indicate whether you agree or disagree with it. Do so by circling an "A" for Agree or a "D" for Disagree in the Personal Choice column. TIME: 8 minutes.

	PERSONAL CHOICE		TEAM CHOICE	
	Agree	Disagree	Agree	Disagree
1. Employment of mothers has led to a significantly higher juvenile delinquency rate.	A	D	A	D
2. While the medium income of women workers has risen steadily in the last 20 years, the earnings gap between female and male workers continues to widen.	A	D	A	D
3. Married women account for more than half of all women workers.	A	D	A	D
4. Women take more time off from work for illness or injury than male workers.	A	D	A	D
5. Nearly half the children in the United States have mothers who work.	A	D	A	D
6. Women account for over 40% of the civilian work force.	A	D	A	D
7. About 35% of all employed women are in clerical jobs.	A	D	A	D

(continued)

	PERSONAL CHOICE		TEAM CHOICE	
	Agree	Disagree	Agree	Disagree
8. About 85% of young women workers (20 to 34 years old) are high school graduates.	A	D	A	D
9. The median income of working women with four years of college is the same as that of men who have completed only eight years of elementary school.	A	D	A	D
10. Both husband and wife work in nearly 50% of the nation's marriages.	A	D	A	D

When all members of your group have completed their personal decisions, DISCUSS them as a group. Circle an "A" or a "D" in the Team Choice column, next to each of the statements. TIME: 15 minutes.

ACTIVITY I-4, DECISIONS

Now that you have sharpened your own views on sex differences and how they relate to occupations, roles, and employment, you are asked to respond to a few questions designed to help you refine your thinking further.

TOGETHER WITH THE OTHER MEMBERS OF YOUR TEAM, DISCUSS the following questions and try to arrive at a team consensus. Write your team's opinions in the space provided below each question. TIME: 20 minutes.

1. What differences exist between the two sexes that have an impact on career choice and/or success in certain careers?

2. Under what conditions should a woman enter an occupation dominated by men?

(continued)

3. Under what conditions should a man enter an occupation dominated by women?

SECTION II: UNDERSTANDING SEX EQUITY LEGISLATION

INTRODUCTION TO SECTION II

In the first part of this section of the workshop, assume you are an educator in a medium-sized high school in New York State. As a person who has always been particularly sensitive to discriminatory practices, during recent months you have observed several incidents where unfair practices were unnoticed in various school programs and activities.

In a series of meetings with school staff and administrative personnel, you and several others voiced objection to these practices and asked that steps be taken to correct them. Those in higher level positions have responded quickly to your pleas; steps are already being taken to eliminate the inequities you reported.

Because of your expressed interests and concerns about sex equity in your school, the Superintendent of your District has asked you to head a special task force to identify any further sex inequities in school practices and to recommend specific action steps to ameliorate them. You have been given full decision-making responsibility in selecting who should be part of this task force; you have secured participation from two faculty members, one guidance counselor, the assistant principal, and two knowledgeable students.

In an introductory memorandum to all task force members, you explained that the primary mission of the group would be to identify specific sex equity legislation compliance violations and to recommend programs and policies to correct any sex-related discriminatory practices found in the school.

ACTIVITY II-1, UNDERSTANDING SEX EQUITY LEGISLATION

At the first task force meeting last week, it became apparent to you and several others on the committee that many of the task force members themselves were not as knowledgeable as they could be in the requirements of Title IX and the Vocational Education Amendments (VEA).

As a result, you have secured a summary of both pieces of legislation and have distributed copies of them to members of the task force for review and discussion at your meeting next month. A copy of the legislation appears on pages PW18 through PW31 of this workbook.

You have also decided to prepare a series of questions to accompany these documents which people could use to check their understanding of the rules and regulations of Title IX and the VEA and the practices that they encourage or prohibit.

You have distributed a copy of these questions, together with the actual legislation, and have asked everyone to review them. You, too, are preparing yourself in the same way.

WITHOUT DISCUSSION with the other members of your team, review briefly pages PW18 through PW31 which follow. Then review the statements on pages PW32 through PW34 which relate to either Title IX or VEA. In the Personal Choice column mark each statement with one of the four codes which follow:

use P, if you believe it is prohibited by Title IX
use R, if you believe it is required by Title IX
use S, if you believe it is suggested as an action the state "may" take under the Vocational Education Amendments
use E, if you believe it is an essential requirement under the Vocational Education Amendments

As you make your decisions you may refer back to the legislation at any time. TIME: 15 minutes.

When all members of your team have completed their personal choices, DISCUSS them as a group and arrive at your team decisions. Enter a P, R, S, or E in the Team Choice column. TIME: 20 minutes.

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*This exercise, except for the items which pertain to the Vocational Education Amendments, is taken from materials developed by the Resource Center on Sex Roles in Education under a sub contract with the Council of Chief State School Officers for the CCSSO's Title IX Equity Workshops Project.

SUMMARY OF THE REGULATION* FOR TITLE IX EDUCATION AMENDMENTS OF 1972

Title IX of the Education Amendments of 1972 says:
"No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program (preschool to postgraduate) operated by an organization or agency which receives or benefits from federal aid. Exempted from the provisions of Title IX are:

- schools whose primary purpose is training for the U.S. military services or the merchant marine;
- practices in schools controlled by religious organizations whenever compliance with Title IX would be contrary to their religious beliefs;
- the membership policies of the Girl and Boy Scouts, the YMCA and the YWCA, Campfire Girls and other single-sex, tax-exempt "youth service" organizations whose members are chiefly under age 19;
- university-based social fraternities and sororities;
- activities relating to the American Legion's Boys State, Boys Nation, Girls State and Girls Nation conferences;
- father-son or mother-daughter activities, so long as opportunities for "reasonably comparable" activities are offered to students of both sexes;
- scholarships or other aid offered by colleges and universities to participants in single-sex pageants which reward the combination of personal appearance, poise and talent.

Basically, the regulation for Title IX falls into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment and procedures.

The following summary was adapted by PEER from a summary prepared by the **Resource Center on Sex Roles in Education** of the National Foundation for the Improvement of Education.

GENERAL PROVISIONS — § 86.3 - 86.9

Each recipient of federal education aid must evaluate its current policies and practices to determine whether they comply with Title IX. Each recipient must then take whatever steps are necessary to end discrimination. Institutions must keep a description of these steps on file for three years, and they must have completed the evaluation and steps to overcome the effects of bias by July 21, 1976.

The regulation also requires that recipients adopt and publish grievance procedures to resolve student and employee complaints alleging discrimination prohibited by Title IX. (Victims of discrimination are not required to use these procedures — they may file a complaint directly with the U.S. Department of Health, Education and Welfare.).

Recipients (for example, a school district, state education agency, or university) must appoint at least one employee to coordinate its efforts to comply with Title IX.

The regulation requires recipients to notify students, parents, employees, applicants, unions and professional organizations that they do not discriminate on the basis of sex. Students and employees must be told how to contact the employee coordinating Title IX compliance efforts.

By Oct. 21, 1975, recipients were required to issue this notice in the local press, student and alumni newspapers, and by a letter sent directly to students and employees. After that, all announcements, bulletins, catalogs and applications must contain a notice.

ADMISSIONS — § 86.21 - 86.23

The regulation bars sex discrimination in admissions to certain kinds of institutions: those of vocational, professional, graduate, and public coeducational undergraduate institutions. Admissions to private undergraduate institutions are exempt, including admissions to private, undergraduate professional and vocational schools. HEW will look at the admissions practices of each "administratively separate unit" separately.

Specifically, the regulation bars limitations (i.e., quotas) on the number or proportion of persons of either sex who may be admitted, preference for one sex, ranking applicants separately by sex, and any other form of differential treatment by sex.

*45 CFR Part 86. The text appears in the *Federal Register*, June 4, 1975, page 24128. Copies are available from the Director, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 330 Independence Ave., SW, Rm. 3239, Washington, D.C. 20201.

PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Avenue, NW, Suite 800, Washington, D.C. 20005. Project Director: Holly Knox. Associate Director: Clelia Steele. Staff: Michael Busch, Ricardo Carbacho, Nancy Dayton, Robin Gordon, Lynda Weston.

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The recipient may not use a test or other criterion for admission which adversely affects any person on the basis of sex unless the test or criterion is shown to predict successful completion of the educational program, and unbiased alternatives are not available. Also prohibited are rules concerning parental, family, or marital status of students which make distinctions based on sex; discrimination because of pregnancy or related conditions; and asking an applicant's marital status. Recipients can ask an applicant's sex if the information is not used to discriminate.

The recipient must make comparable efforts to recruit members of each sex, except when special efforts to recruit members of one sex are needed to remedy the effects of past discrimination.

TREATMENT OF STUDENTS — § 86.31 - 86.42

General Coverage — § 86.31

Although some schools are exempt from coverage with regard to admissions, all schools must treat their admitted students without discrimination on the basis of sex. Briefly, the treatment of students section covers courses and extracurricular activities (including student organizations and competitive athletics), benefits, financial aid, facilities, housing, rules and regulations (including rules of appearance), and research. A student may not be limited in the enjoyment of any right, privilege, advantage or opportunity based on sex.

The regulation forbids a recipient to aid or perpetuate sex discrimination by providing "significant assistance" to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees (with some exceptions, including the membership policies of social fraternities and sororities, Boy and Girl Scouts, YMCA and YWCA). (Significant assistance may include the provision of a facility or faculty sponsor.)

Housing and Facilities — § 86.32 and 86.33

Institutions may provide housing separately for men and women. However, housing for students of both sexes must be as a whole:

- proportionate in quantity to the number of students of that sex that apply for housing, and
- comparable in quality and cost to the student.

Institutions may not have different housing policies for students of each sex (for example, if a college allows men to live off campus, it must allow women too).

Toilets, locker rooms and shower facilities may be separated on the basis of sex, but these facilities must be comparable for students of both sexes.

Courses and other Educational Activities — § 86.34 and 86.35

Courses or other educational activities may not be provided separately on the basis of sex. An institution may not require or refuse participation in any course by any of its students on that basis. This includes physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

However, sex education is an exception: portions of elementary and secondary school classes dealing with human sexuality may be separated by sex.

In physical education classes, students may be separated by sex *within* coeducational classes when playing contact sports. Contact sports include wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

Recipients must end single sex physical education classes "as expeditiously as possible," but elementary schools had until July 21, 1976, to comply fully. Secondary and post-secondary institutions must comply fully with this requirement by July 21, 1978.

Choruses may be based on vocal range or quality and may result in single-sex or predominantly single-sex choruses.

Local school districts may not, on the basis of sex, exclude any person from:

- any institution of vocational education;
- any other school or educational unit, unless the school district offers that person courses, services and facilities which are comparable to those offered in such schools, following the same policies and admission criteria.

Counseling — § 86.36

A recipient may not discriminate on the basis of sex in counseling or guiding students.

Whenever a school finds that a class has a disproportionate number of students of one sex, it must take whatever action is necessary to assure that sex bias in counseling or testing is not responsible.

A recipient may not use tests or other appraisal and counseling materials which use different materials for each sex or which permit or require different treatment for students of each sex. Exceptions can be made if different materials used for each sex cover the same occupations and they are essential to eliminate sex bias.

Schools must set up their own procedures to make certain that counseling and appraisal materials are not sex-biased. If a test does result in a substantially disproportionate number of students of one sex in a course of study or classification, the school must take action to ensure that bias in the test or its application is not causing the disproportion.

Student Financial Aid — § 86.37 and 86.31(c)

The regulation covers all forms of financial aid to students. Generally, a recipient may not, on the basis of sex:

- provide different amounts or types of assistance, limit eligibility, apply different criteria, or otherwise discriminate;
- assist through solicitation, listing, approval, provision of facilities, or other services any agency, organization or person which offers sex-biased student aid;
- employ students in a way that discriminates against one sex, or provide services to any other organization which does so.

There are exceptions for athletic scholarships and single-sex scholarships established by will or trust.

Athletic scholarships. An institution which awards athletic scholarships must provide "reasonable opportunities" for both sexes, in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for each sex may be offered in connection with separate male/female teams to the extent consistent with both the section on scholarships and the section on athletics (86.41).

Scholarships for study abroad. The regulation exempts discriminatory student assistance for study abroad (such as Rhodes Scholarships), provided that a recipient which administers or helps to administer the scholarship awards makes available similar opportunities for the other sex. (86.31(c)).

Single sex scholarships. An institution may administer or assist in the administration of scholarships and other forms of student financial aid whenever a will, trust, or bequest specifies that the aid can only go to one sex, as long as the overall effect of making sex-restricted awards is not discriminatory.

To ensure this, institutions must:

- select financial aid recipients on the basis of nondiscriminatory criteria, not the availability of sex-restricted scholarships;
- allocate sex-restricted awards to students already selected in such a fashion; and
- ensure that no student is denied an award because of the lack of a sex-restricted scholarship.

Student Health and Insurance Benefits — § 86.39

Student medical, hospital, accident or life insurance benefits, services, or plans may not discriminate on the basis of sex. This would not bar benefits or services which may be used by a different proportion of students of one sex than of the other, including family planning services.

Any school which provides full coverage health services must provide gynecological care.

Marital or Parental Status — § 86.40

The regulation bars any rule concerning a student's actual or potential parental, family, or marital status which makes distinctions based on sex.

A school may not discriminate against any student in its educational program, including any class or extracurricular activity, because of the student's pregnancy, childbirth, false pregnancy, miscarriage, or termination of pregnancy, unless the student requests voluntarily to participate in a different program or activity.

If a school does offer a voluntary, separate education program for pregnant students, the instructional program must be comparable to the regular instructional program.

A school may ask a pregnant student to have her physician certify her ability to stay in the regular education program only if it requires physician's certification for students with other physical or emotional conditions.

Recipients must treat disabilities related to pregnancy the same way as any other temporary disability in any medical or hospital benefit, service, plan or policy which they offer to students. Pregnancy must be treated as justification for a leave of absence for as long as the student's physician considers medically necessary. Following this leave, the student must be reinstated to her original status.

Athletics — § 86.41

General coverage. The regulation says that no person may be subjected to discrimination based on sex in any scholastic, intercollegiate, club or intramural athletics offered by a recipient of federal education aid.

Separate teams and contact sports. Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. Contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

In *noncontact* sports, whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

Equal opportunity. A school must provide equal athletic opportunity for both sexes. In determining whether athletic opportunities are equal, HEW will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. The Department will also consider (among other factors): facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, and publicity.

Equal expenditures are not required, but HEW "may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex."

Adjustment period. Elementary schools must comply fully with the section covering athletics "as expeditiously as possible" but no later than July 21, 1976. Secondary and post-secondary institutions have until July 21, 1978, to comply fully.

Textbooks — § 86.42

The regulation does not require or abridge the use of particular textbooks or curriculum materials.

EMPLOYMENT — § 86.51 - 86.61

General Provisions — § 86.51 - 86.55

All employees in all institutions are covered, both full-time and part-time, except those in military schools, and those in religious schools to the extent compliance would be inconsistent with the controlling religious tenets.

In general, the regulation prohibits: discrimination based on sex in employment, recruitment, and hiring, whether full-time or part-time, under any education program or activity which receives or benefits from federal financial aid. It also bars an institution from entering into

union, employment agency, or fringe benefit agreements which subject individuals to discrimination.

An institution may not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

The regulation prohibits sex discrimination in all aspects of employment, including employment criteria, advertising and recruitment, hiring and firing, promotion, tenure, pay, job assignments, training, leave, and fringe benefits.

If the institution is found to have practiced sex discrimination in recruitment or hiring, however, it must recruit members of the sex against which it has discriminated to overcome the effects of past discrimination.

Fringe benefits — § 86.56

Fringe benefit plans must provide *either* for equal periodic benefits for male and female employees *or* equal contributions for both sexes. Retirement plans may not establish different retirement ages for employees of each sex.

Marital status and pregnancy — § 86.57

An institution may not apply any employment policy concerning the potential marital, parental or family status of an employee or employment applicant which makes distinctions based on sex.

In addition, it may not have policies based on whether the employee or applicant is head of household or principal wage earner in the family.

An institution may not discriminate in employment on the basis of pregnancy or related conditions. A temporary disability resulting from these conditions must be treated as any other temporary disability for all job-related purposes, including leave, seniority, reinstatement and fringe benefits. If the employer has no temporary disability policy, pregnancy and related conditions must be considered a justification for leave without pay for a "reasonable" time period and the employee reinstated to her original or comparable status when she returns from leave.

Effect of state and local laws — § 86.58 and 86.6

The obligation to comply with this regulation is not precluded by any state or local laws.

ENFORCEMENT PROCESS — § 86.71*

In enforcing Title IX, the U.S. Department of Health, Education and Welfare will follow the procedures of Title VI of the Civil Rights Act of 1964. Under these procedures HEW conducts compliance reviews — broad-based investigations of school districts or universities initiated by HEW.

HEW must also investigate promptly complaints submitted by individuals or groups. Letters charging that discrimination has occurred may be sent to the Director, Office for Civil Rights, U.S. Department of HEW, 330 Independence Avenue, SW, Room 3256N, Washington, D.C. 20201 or to the Director of the Regional Office for Civil Rights responsible for enforcement in that state.

The Title IX procedures require educational institutions to keep records demonstrating whether they are complying with the law's requirements. Records must be available to HEW upon request.

Discrimination complaints must be filed with HEW within 180 days of the date of discrimination. If after this investigation, HEW finds that discrimination exists, it must try to achieve voluntary compliance by the institution. Failing this, HEW may then begin administrative hearings which could lead to termination of federal financial assistance.

HEW can also refer the matter to the Department of Justice for possible federal prosecution or to state or local authorities for action under state or local laws. Under the provisions for administrative hearings, recipient institutions (but not the complainant) are granted the right to counsel and the right to appeal.

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*The full text of these procedures appears at 45 CFR §§ 80.6 - 80.11 and 45 CFR Part 81. See also PL 94-482, § 407.

THE EDUCATION AMENDMENTS OF 1976: A SUMMARY OF THE PROVISIONS RELATED TO SEX EQUITY IN VOCATIONAL EDUCATION*

The purpose of this information sheet is to provide a summary of the provisions of the Education Amendments of 1976 related to sex equity in vocational education.

It is organized in the following sections:

- o background information on the Education Amendments of 1976
- o a summary of the provisions of the Education Amendments of 1976 which relate to overcoming sex bias and sex stereotyping and achieving sex equity in vocational education programs
- o a comparison of the sex equity provisions of the Education Amendments of 1976 with the nondiscrimination provisions of the regulation to implement Title IX of the Education Amendments of 1972

BACKGROUND INFORMATION: THE EDUCATION AMENDMENTS OF 1976

The Education Amendments of 1976 (Public Law 94-482) were signed into law on October 12, 1976; they became effective as of October 1977. Among the statutes modified by these Amendments is the Vocational Education Act of 1963, which authorizes Federal assistance to States for support of vocational education programs. Regulations regarding the implementation of the Education Amendments became effective November 11, 1978. The material for this summary was derived from the legislation and from the regulations.

The 1963 Vocational Education Act established a system of "matching" grants to the States for the support of vocational education programs. Federal funds were allocated to States on the basis of certain characteristics of their populations, with the requirement that these funds be matched by the States and expended to support certain categories of programs. The 1976 Amendments make two major changes in the 1963 legislation.

First, they consolidate all the categorical grants established by the 1963 legislation (with the exceptions of those for consumer and homemaking programs and for special programs for the disadvantaged) into a single block grant to States. Eighty percent of this block grant is considered a "basic grant;" the remaining twenty percent of this block grant is for "program improvement and supportive services." Within each of these two subcategories a number of specific alternatives for which States may expend these funds are delineated.

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*This summary is taken from materials developed by Joyce Kaser, Martha Matthews, and Shirley McCune of the Resource Center on Sex Roles in Education under a subcontract with the Council of Chief State School Officers for the CCSSO's Title IX Equity Workshops Project. The project was funded by the Women's Program Staff of the U. S. Office of Education.

Second, the Amendments require the modification of the planning process which States must implement related to their use of Federal funds. One major modification requires the involvement of a wider variety of groups in the planning process.

One of the major priorities of that portion of the Amendments which pertains to vocational education is the overcoming of sex discrimination and sex stereotyping in vocational education. Provisions related to the overcoming of discrimination and bias are incorporated within each of the three major sections dealing with vocational education programs; they are included in the:

- o requirements for the administration of State vocational education programs
- o provisions governing State use of Federal vocational education funds
- o requirements for national vocational education programs

The provisions of the 1976 Amendments apply directly only to Federal and State programs, but they establish priorities and programs which affect the design and implementation of local vocational education programs.

THE EDUCATION AMENDMENTS OF 1976: A SUMMARY OF THE PROVISIONS RELATED TO SEX EQUITY IN VOCATIONAL EDUCATION

Provisions of the 1976 Amendments which relate to sex equity in vocational education are organized within three major categories:

- o requirements for administration of State vocational education programs
- o provisions governing State use of vocational education funds
- o requirements for national vocational education programs

Relevant provisions in each of these categories will be summarized in this section.

REQUIREMENTS FOR ADMINISTRATION OF STATE VOCATIONAL EDUCATION PROGRAMS

There are five major administrative requirements for State vocational education programs which are related to the overcoming of sex discrimination and sex stereotyping in vocational education. They include:

1. Designating full time personnel to eliminate sex bias and discrimination in vocational education programs

All States which receive Federal vocational education monies must designate personnel to work full time with the State board of vocational education in:

- "furnishing equal educational opportunities in vocational education programs to persons of both sexes; and
- eliminating sex discrimination and sex stereotyping from all vocational education programs."

The functions of the person or persons designated include:

- taking actions to create awareness of programs and activities in vocational education designed to reduce sex stereotyping in vocational education
- gathering and disseminating data on the status of women and men students and employees in vocational education programs in the State
- reviewing the distribution of vocational education grants made by the State to ensure that the needs of women are addressed in all projects funded
- reviewing all vocational education programs in the State for sex bias
- monitoring the implementation of laws prohibiting sex discrimination in employment within State vocational education programs
- developing and supporting actions to correct problems identified in the process of these data-gathering, reviewing, and monitoring activities
- assisting local education agencies and other interested groups in the State in improving vocational education opportunities for women
- making available the information developed to the general public and to specified State and Federal agencies
- reviewing the State's five-year plan and submitting recommendations related to the overcoming of sex bias and sex discrimination in vocational education

All States are required to reserve at least $50,000 from their basic grant funds to support the personnel working to carry out these functions.

2. Representing Women's Concerns on the State Advisory Council for Vocational Education

All States are required to include on their advisory councils for vocational education representatives who are "women with backgrounds and experiences in employment and training programs, and who are knowledgeable with respect to the educational experiences and problems of sex discrimination in job training, and employment, and of sex stereotyping in vocational education, including one or more persons who are members of minority groups having special knowledge of the problems of discrimination in job training and employment against women in minority groups." It is the function of the State advisory council on vocational education to:

- o advise the State board with responsibility for the administration of vocational education programs regarding policy matters in the approved five-year State plan
- o assist the State board in the development of plans for State board evaluations
- o evaluate vocational education programs, services, and activities according to annual program plans, to publish these evaluations, and to submit evaluation reports through the State board to the Federal government
- o identify the vocational education, employment, and training needs of the State and to assess the extent to which vocational education and related programs represent a consistent and coordinated approach to meeting these needs
- o provide technical assistance for the establishment and operation of local vocational education advisory councils

3. Including Policies to Eradicate Sex Discrimination in State Five-Year Plans for Vocational Education

Each State must include in its five-year plan for vocational education a detailed description of the policies it will follow to ensure equal access to vocational education programs by both women and men. Each description must include a statement of actions which will be taken to overcome sex discrimination and sex stereotyping in all State and local vocational education programs and of incentives adopted by the State for local education agencies and institutions of vocational education to encourage enrollment by students in courses which are not traditional for their sex and to develop model programs to reduce sex stereotyping in all occupations.

The State plan must also set forth a program to meet the needs of homemakers who must seek employment after separation or divorce, single heads of households who lack adequate job skills, and persons who wish to seek employment in areas which are nontraditional for their sex.

4. Reviewing Annual Program Plans for Compliance with State Policies Regarding Eradication of Sex Discrimination

Every State must, in its annual program plan, provide information regarding the compliance of this plan with the provisions of the five-year plan related to the provision of equal access to vocational education programs by women and men.

In addition, each State must provide assurances that the person designated responsibility for ensuring equal access by men and women to vocational education in the State has been provided an opportunity to review the plan before it is submitted to the Federal government for approval.

5. Evaluating Vocational Education Programs for Service to Women

Each State board of vocational education is required, during the five-year period of the State plan, to evaluate each vocational education program or project supported by Federal, State, and local funds. Among the items to be evaluated are those services provided to women as one of several special populations.

PROVISIONS GOVERNING STATE USE OF VOCATIONAL EDUCATION FUNDS

The provisions of the Education Amendments covering State use of Federal funds for local vocational education programs distinguish between these areas in which States are required to expend funds and those areas where States may elect to expend funds.

From their basic grants for vocational education programs, States must expend funds for the following category of services:

Vocational Education Programs for Displaced Homemakers

States must use funds under their basic grants, in accordance with approved five-year and annual program plans, to provide vocational education services for:

- persons who have been homemakers but who are seeking employment as a result of separation or divorce
- single heads of households who lack adequate job skills
- persons (female or male) who are in jobs which have been traditionally considered appropriate for their sex and who wish to seek jobs in areas

which have not been traditionally considered appropriate for persons of their sex

These programs must include three components:

- organized educational programs to prepare persons in these special groups for employment
- special courses preparing these persons in ways to seek employment
- placement services for graduates of these special programs

States may use basic grant funds for the following services:

Support Services for Women

States may use funds under their basic grants to provide support services for women entering vocational education programs designed to prepare persons for jobs which have been traditionally limited to men. Among the services which might be provided (when included in an approved five year or annual program plan) are:

- Counseling--counseling women entering or enrolling in nontraditional programs on the nature of the programs and the difficulties which may be encountered by women; furnishing supportive services to assist students in adjusting to the new employment requirements
- Job development--providing materials and information to women in non-traditional programs regarding the opportunities to visit workplaces to observe work and work settings in jobs in nontraditional fields; bringing persons employed in fields which are not traditional for women into the schools to provide women students with information regarding the nature of work in these fields.
- Job follow-up support--assisting women students in finding employment relevant to their training and interests; assisting students in the work force to deal with barriers experienced by women working in nontraditional areas
- Increasing the number of women instructors in nontraditional fields--increasing the number of women instructors working in programs which have traditionally enrolled predominately males, in order to provide supportive examples to women who are preparing for jobs related to these nontraditional programs

Day Care Services for Children of Students

States may also use funds under their basic grants (when this use is specified in approved five-year and annual program plans) to provide day care services for

students, including both females and males and single parents, in secondary and postsecondary vocational education programs.

With the program improvement and supportive services funds of their block grant, States may support the following services:

Programs to Overcome Sex Stereotyping

States may use Federal funds allocated for program improvement activities to support programs which are directed toward overcoming sex stereotyping in vocational education. Programs related to sex stereotyping may be funded in any of the three basic categories of program improvement services:

- Research--funds may be used for developing new curriculum materials or reviewing and revising curricula to eliminate stereotypes based on sex, race, or national origin

- Exemplary and innovative programs--States must give priority in the awarding of funds for exemplary and innovative projects to those which are designed to reduce sex stereotyping in vocational education

- Curriculum development--funds may be used for the development and dissemination of curriculum, guidance, and testing materials designed to overcome sex bias in educational programs; and for support services to assist teachers in meeting the needs of students enrolled in vocational education programs which have been traditionally limited to members of the opposite sex

Vocational Guidance and Counseling

Funds made available to States for program improvement and support services may be used to support several vocational guidance activities which can provide supportive services to women or contribute to the eradication of sex stereotyping in vocational education. Among these programs which may be funded are:

- vocational resource centers designed to meet the vocational guidance and counseling needs of special populations, including persons entering or reentering the job market late in life (a significant proportion of these persons are likely to be women)

- training programs which are designed to provide counseling and guidance personnel with information regarding

  --the changing work patterns of women

  --ways of overcoming occupational sex stereotyping

  --ways of assisting girls and women in selecting careers solely on the basis of their occupational needs and interests

Vocational Education Personnel Training

Funds made available to the States for program improvement and supportive services may be used for inservice training to assist vocational education teachers and other staff to overcome sex bias in vocational education programs.

Grants to Overcome Sex Bias

States may use funds allocated for program improvement and supportive services to award grants to projects designed to overcome sex bias in vocational education. Awards are to be made in accordance with approved five-year and annual program plans; they may be made to support such projects as:

- research on ways to overcome sex bias and sex stereotyping in vocational education
- development of curriculum materials free of sex stereotyping
- development of criteria for the review of curriculum materials for sex stereotyping
- examination of existing curriculum materials for sex stereotyping
- training to assist counselors, administrators, and teachers in ways of overcoming sex bias and assisting girls and women in selecting careers

States must use funds allotted to them in separate authorization for the following:

Consumer and Homemaking Education

States must use funds allocated for programs of consumer and homemaking education to support programs which:

- encourage both females and males to prepare for combining roles of homemakers and wage earners
- encourage the elimination of sex stereotyping by promoting the development of curriculum materials which deal with
  - --increased numbers of women working outside the home
  - --increased numbers of men assuming homemaking responsibilities
  - --changing career patterns of men and women
  - --Federal and State laws relating to equal educational and employment opportunities

- prepare females and males who have entered or are preparing to enter into the work of the home

REQUIREMENTS FOR NATIONAL VOCATIONAL EDUCATION PROGRAMS

The last set of provisions of the Amendments relating to overcoming sex bias in vocational education pertain to national vocational education programs.

These provisions specify that:

- a national study of sex bias in vocational education will be conducted by the Commissioner of Education and submitted to Congress by October 1978

- a system for reporting information, including race and sex, of vocational education students must be in operation by October 1977. All States will be responsible for submitting relevant data for this system on a yearly basis.

- the National Advisory Council on Vocational Education must include in its membership minority and non-minority females and males with knowledge of women's issues and concerns

- five percent of the funds appropriated for Federal vocational education programs are reserved for use by the Commissioner of Education for programs of national significance, some of which can be programs to overcome sex bias in vocational education

COMPARISON OF THE 1976 EDUCATION AMENDMENTS AND TITLE IX

The provisions of the Education Amendments of 1976 which pertain to sex discrimination and sex bias are similar to the requirements of Title IX (Education Amendments of 1972) in basic intent: both are directed at ensuring that equal opportunities are provided to females and males in vocational education programs. There are, however, several significant differences between Title IX and the Amendments:

- Title IX addresses the issue of sex discrimination in education programs; it generally requires that persons may not be excluded from, denied participation in, or be treated differently in education programs. The Education Amendments not only address sex discrimination, which is defined as "any action which limits or denies a person or a group of persons opportunities, privileges, roles or rewards on the basis of their sex," but also sex bias, or "behavior resulting from the assumption that one sex is superior to the other," and sex stereotyping, or "attributing behaviors, abilities, interest values, and roles to a person or group of persons on the basis of their sex."

- The Title IX regulation applies directly to local education agencies and institutions; the Education Amendments of 1976 apply directly only to State and Federal vocational education programs. They affect local vocational education programs and institutions indirectly through their specification of priorities and procedures for State use of Federal vocational education monies, which in turn affect State funding of various local vocational education programs and institutions.

- Title IX specifies a variety of forms of discrimination in education policies, programs, or practices which are prohibited. Those which apply to vocational education include prohibitions of discrimination on the basis of sex in admissions, access to courses, facilities, treatment of students, course completion and graduation requirements, student employment, marital or parental status, and employment of education personnel. The Education Amendments of 1976 complement the specific prohibitions of sex discrimination which are established by the Title IX regulation with a mandate for the development of programs to overcome sex bias, stereotyping, and discrimination in vocational education and an authorization to States to use Federal monies for this purpose.

Use P, if you believe it is prohibited by Title IX.
Use R, if you believe it is required by Title IX.

TITLE IX	PERSONAL CHOICE	TEAM CHOICE
a. Maintaining single sex vocational clubs; for example, denying females entrance into Future Farmers of America.		
b. Reviewing all vocational education course enrollments to identify courses in which enrollments are 80 percent male or 80 percent female; ensuring that these enrollments are not the result of sex discrimination in counseling.		
c. Assigning students work experience programs according to an employer's preference for either male or female students.		
d. Revising recruitment materials for vocational education programs to ensure that they do not imply, either in texts or photographs, that certain programs or occupations are more appropriate for one sex than for the other.		
e. Refusing to hire a qualified male to teach child development because most students in the program are females and he might "cause problems."		
f. Refusing to admit females to a technical program because there is only one restroom in the building where the program is housed and this restroom is used by males.		

Use S, if you believe it is suggested as an action the state "may" take under the Vocational Education Amendments.
Use E, if you believe it is an essential requirement under the Vocational Education Amendments.

VOCATIONAL EDUCATION AMENDMENTS	PERSONAL CHOICE	TEAM CHOICE
a. Taking action on the state level to create awareness of vocational education programs and activities which are designed to reduce sex bias and sex stereotyping.		
b. Reviewing, through the office of the sex bias coordinator, all vocational education programs in the state for sex bias.		
c. Including on state advisory councils one or more women who have experience in employment and training programs and who are knowledgeable about sex discrimination and sex role stereotyping in employment and vocational education.		
d. Including an account of services provided to women as part of the state evaluation of vocational education programs which are supported by federal, state, or local funds.		
e. Using state funds to provide day care services for children of male and female students in secondary and postsecondary vocational education programs.		
f. Using funds provided under the state's basic grant to provide vocational education programs for persons who had been homemakers but who now must seek employment due to the dissolution of a marriage.		
g. Using funds provided under the state's basic grant to provide vocational education programs for men and women in jobs considered traditional for their sex who desire employment in jobs nontraditional for their sex.		
h. Giving priority to programs and projects designed to reduce sex bias and sex stereotyping in vocational education when "exemplary and innovative projects" are funded by the state.		
i. Using state program improvement funds for the development and dissemination of curriculum and guidance and testing materials designed to overcome sex bias and sex stereotyping in vocational education programs.		

(continued)

Use S, if you believe it is suggested as an action the state "may" take under the Vocational Education Amendments.
Use E, if you believe it is an essential requirement under the Vocational Education Amendments.

VOCATIONAL EDUCATION AMENDMENTS *(continued)*	PERSONAL CHOICE	TEAM CHOICE
j. Using state program improvement funds to create support services to enable teachers to meet the needs of students enrolled in vocational education programs which are nontraditional for their sex.		
k. Using state funds to provide training to guidance counselors to acquaint them with the changing work patterns of women, ways of overcoming sex stereotyping, and ways of assisting women and men in selecting careers solely on their occupational needs and interests.		
l. Using state funds to support programs in consumer and homemaking education which encourage both males and females to prepare for combining the roles of homemakers and wage earners.		
m. Using state funds to support programs in consumer and homemaking education which promote the development of curriculum materials which deal with such topics as the increased number of women working outside the home and increased number of men assuming homemaking responsibilities.		

When you have completed your personal decisions, DISCUSS them as a team.

NOTES

Activity II-2,
Auditing Your Own
School's Compliance
With Title IX
(45 minutes)

LEADER'S GUIDE

The purpose of this activity is to give you a chance to apply the provisions of Title IX legislation to your own school.

Begin work on Activity II-2. Initially there are no team decisions for this activity; only personal choices are necessary. Decisions should be made for every item on the checklist.

At the conclusion of their work, ask participants to offer a few of the practices in their schools that they feel do not comply with the requirements of sex fairness.

You could discuss each of these briefly in plenary session.

ACTIVITY II-2. AUDITING YOUR OWN SCHOOL'S COMPLIANCE WITH TITLE IX

Now that you have had more thorough exposure to Title IX and VEA regulations, you thought it would be helpful to check how well the policies and practices within *your own school* conform specifically to the requirements of Title IX.

As a result, you are reviewing a checklist* that has been prepared to help you accomplish this.

WITHOUT DISCUSSION WITH THE OTHER MEMBERS OF YOUR TEAM, review each of the items on the checklist which begins on the following page and indicate, by placing a checkmark in the appropriate column, whether you feel your own school:

A = complies fully
B = has only partial or questionable compliance
C = clearly is not complying with that requirement of sex fairness

TIME: 10 minutes.

When everyone in your group has completed these decisions, DISCUSS them as a team. During this discussion focus on those school policies and practices which are common to many, if not all, schools represented by members of your team. TIME: 15 minutes.

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*This checklist is not a comprehensive one; it has been designed only to help you begin to address yourself to problems that may exist in your own school. It does not cover all the features or requirements of Title IX.

A = complies fully
B = has only partial or questionable compliance
C = clearly is not complying with that requirement of sex fairness

	A	B	C
I. COUNSELING SERVICES			
a. Career counseling is equally available to students of both sexes.			
b. All students are encouraged to consider all programs of study and to make choices based on their interests and talents, rather than on their gender.			
c. Students are not discouraged from taking any class because of their gender.			
d. Career material is free of all sex bias.			
e. Students are encouraged to consider non-traditional career options.			
f. Vocational inventories and other tests used in counseling are completely free of sex bias.			
g. Every standardized test states the population from which it was normed, including sex breakdowns.			
h. Personal counseling places emphasis on interests of students and their personal strengths and weaknesses, not on their sex.			
i. Career counseling reflects an awareness of changing roles and expanding opportunities for women and men.			
j. Students are free to have access to either male or female counselors.			
II. EMPLOYMENT PRACTICES			
a. Employment tests that have an adverse affect on either sex are not used.			
b. Hiring practices within the school indicate that there is no discrimination on the basis of sex.			
c. Teachers and non-professional employees in the school are not discriminated against with respect to compensation on the basis of sex.			
d. Jobs are not classified as being for either males or females.			

(continued)

A = complies fully
B = has only partial or questionable compliance
C = clearly is not complying with that requirement of sex fairness

	A	B	C
e. The same fringe benefits are made available to all employees, regardless of their sex.			
f. All employees are treated the same, regardless of their marital status.			
g. Pregnancy, childbirth, false pregnancy, or the termination of pregnancy do not result in any discriminatory practices, such as arbitrary decisions regarding when leaves of absence are to begin.			
h. Pre-employment inquiries, with regard to the marital status of applicants, do not exist within the employment practices of the school.			
i. Equal pay, especially for special assignments and extra jobs within the school, is provided to both males and females.			
III. TITLE IX COORDINATION a. At least one competent and knowledgeable employee has been designated to coordinate and monitor Title IX compliance, and all students and employees are aware of who this person is.			
b. The Title IX coordinator has: 1. Notified students, parents, and members of the school staff of the Title IX policy and its operational aspects.			
2. Developed a procedure for prompt and equitable resolution of complaints.			
3. Assumed a leadership role in conducting an annual school self-evaluation of Title IX.			
4. Prepared regular reports on Title IX compliance, discriminatory practices within the school, and makes those available not only to the administration but to any other interested party.			
IV. CURRICULUM AND EXTRA-CURRICULAR ACTIVITIES a. No classes have separate sessions for females and males, that are not so specified under Title IX.			
b. All reference within the curriculum used in all classes are free from sex-role stereotypes.			
c. Extra-curricular activities are free from sex discrimination.			
d. The criteria for the selection of honor students are the same for both sexes.			

(continued)

A = complies fully
B = has only partial or questionable compliance
C = clearly is not complying with that requirement of sex fairness

	A	B	C
V. TREATMENT OF STUDENTS			
a. Services provided by the school are provided equally and do not discriminate on the basis of sex.			
b. Disciplinary actions or sanctions imposed upon students are the same for both sexes.			
c. Dress codes and appearance standards are maintained for both sexes equally.			
d. Facilities within the school such as restrooms, locker rooms, etc, are equal in access and quality and do not discriminate on the basis of sex.			
VI. MISCELLANEOUS			
a. If the school assists any outside agency or employer in making employment available to its students, it does so without discrimination on the basis of sex.			
b. No student is discriminated against or excluded from any educational activity within the school on the basis of pregnancy.			

ACTIVITY II-3. CORRECTING DISCRIMINATORY SCHOOL PRACTICES

Now that your team has discussed the practices within various schools, the next step is to develop plans to correct the more important violations.

In this activity, your team will review the discussion just completed in Activity II-2, and focus on those major practices and policies where your team feels several of the schools represented lack full compliance with sex equity legislation. Your team should identify the four or five areas which it feels are the most important and most urgent to correct at the moment.

IN DISCUSSION WITH THE OTHER MEMBERS OF YOUR TEAM, in the spaces provided below, identify the four or five practices your group feels must be corrected and, for each one, discuss and write out an action plan which will assure that each of these practices will be eliminated in the future. Try to prepare each action plan so that it includes an objective as well as the activities required to achieve that objective. A SAMPLE ACTION PLAN HAS BEEN PROVIDED TO HELP YOU GET STARTED. TIME: 30 minutes.

Practice: Dress codes and appearance standards are not maintained for both sexes equally.

OBJECTIVE: By November 1, rewrite, and communicate to all concerned, rules of appearance and dress so that they are free of all sex-bias.

ACTIVITIES:

1. Identify specific sex-discriminatory rules and regulations.
2. Develop a sex-fair written policy on appearance and dress codes.
3. Assure that all students, faculty, and administrators are aware of this policy.
4. Develop an appeals procedure that students could use if they feel they are being discriminated against on the basis of sex with respect to dress and appearance codes.

Practice 1:

Action Plan OBJECTIVE: _____

_____

ACTIVITIES: _____

_____

_____

(continued)

Practice 2:

Action Plan OBJECTIVE: _____

_____

ACTIVITIES: _____

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_____

Practice 3:

Action Plan OBJECTIVE: _____

_____

ACTIVITIES: _____

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_____

Practice 4:

Action Plan OBJECTIVE: _____

_____

ACTIVITIES: _____

_____

_____

Practice 5:

Action Plan OBJECTIVE: _____

_____

ACTIVITIES: _____

_____

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SECTION III: DEVELOPING STRATEGIES FOR SEX-FAIR CAREER COUNSELING

INTRODUCTION TO SECTION III

During this section of the workshop, assume that your task force on sex equity has been working diligently for several months; many unfair practices have already been observed, reported, and corrected, even though considerable work remains to be done.

The task force has focused on a variety of school activities and programs. For example, it gave top priority to the school's employment practices where many sex inequities existed. Several recommendations were made, quite a few of which have already been implemented.

The task force then focused on school curriculum and, once again, was able to identify many discriminatory practices and to recommend practical solutions for corrective action.

During more recent weeks, your task force has turned to a review of the various counseling services offered in the school; it has analyzed, in considerable detail, how well counselors provide sex fair career counseling to students. Several incidents were reported where counselors themselves appeared to hold sex biases which influenced their ability to counsel students fairly. Even though most people on the task force agreed that none of these incidents were particularly serious, every task force member felt that something should be done to provide all counselors with an opportunity to improve their skills in fair career counseling.

After considering several alternative approaches to accomplish this, the task force decided to develop a series of in-service training sessions for counselors. Several people on the task force volunteered to serve as "special consultants" and to develop the actual course instruments --- the activities and learning experiences --- that would be used as part of the counselor workshop.

The materials prepared by these task force "consultants" have just been submitted. Everyone on the task force wanted to review them to improve his or her own understanding and to check the exercises for their effectiveness.

The activities which follow in this section of the workshop are excerpts from these materials.

ACTIVITY III-1, REVIEWING COUNSELING SITUATIONS

First on the agenda for the counselor training session was a series of case studies. In each one, counselors would be asked to assume that the student in question came to them seeking advice regarding his or her expression of interest in the specific vocational program mentioned. Counselors would be asked how they would counsel each student.

You and the other members of your task force have decided to review these brief cases to see how you would handle each one.

In this activity your team will divide itself into two sub-teams of equal or approximately equal size. One sub-team will work on Situations 1 and 2; the other sub-team will work on Situations 3 and 4.

WITHOUT DISCUSSION with the other members of your sub-team, review the first situation assigned to your sub-team (either Situation 1 or Situation 3). In the Personal Notes Section, enter your thoughts on how you would handle the counseling session and what you would do to help each student assess his or her interests and abilities.

When all the members of your sub-team have completed their personal thoughts, DISCUSS them and, in the Sub-Team Notes Section respond to each of the two questions. Then proceed to the second situation assigned to your sub-team and complete your personal and sub-team decisions the same way. TIME: 30 minutes.

WHEN BOTH SUB-TEAMS HAVE FINISHED, SHARE YOUR SUB-TEAM RECOMMENDATIONS WITH THE OTHER SUB-TEAM IN YOUR GROUP. ALLOW ABOUT 20 MINUTES FOR THIS.

SITUATION 1

John is just completing his junior year. He has no desire to attend college, and has expressed an interest in becoming a printer. His father has been a printer in a large unionized printing company for over 20 years and, in John's opinion, is gainfully employed in an exciting job that offers a lot of freedom and limited responsibility. John feels that he, too, would like this kind of work and wants to enroll in a special printing vocational training program next year.

a) How would you handle this counseling session? What aspects of career decisions and vocational choice would you want to cover in this session? What career information would you share?

PERSONAL NOTES

SUB-TEAM NOTES

b) What are the factors that John should consider in deciding whether or not to pursue the printing career?

PERSONAL NOTES SUB-TEAM NOTES

SITUATION 2

Jane is in the 10th grade and is in the bottom 20% of her class. For the last year or two she has taken several non-academic courses, including typing and stenography. Her grades in these courses have been as poor as they were in her other required academic courses.

Jane has told you that she really does not like these programs; she claims they are "boring and much too confining", and she does not feel she wants to work "in an office" anyway.

Today she has come to you and has said she wants to enroll in the automotive repair program next year. She has already talked to a few auto mechanics and seems to like this type of work. Jane says she likes to work with her hands, and her interest and skill inventories support this.

a) How would you handle this counseling session? What aspects of career decisions and vocational choice would you want to cover in this session? What career information would you share?

PERSONAL NOTES SUB-TEAM NOTES

b) What are the factors that Jane should consider in deciding whether or not to pursue the automotive repair career?

PERSONAL NOTES SUB-TEAM NOTES

AFTER YOUR SUB-TEAM HAS COMPLETED SITUATIONS 1 AND 2, SHARE YOUR DECISIONS AND RECOMMENDATIONS WITH THE OTHER SUB-TEAM.

SITUATION 3

Susan has just completed her sophomore year. Her grades put her in the top 10% of her class with particularly outstanding grades in biology and several other science courses. Her interest inventories indicate a strong concern for helping other people.

Her personal actions support this data. Susan works part-time in a hospital after school and says she gets much satisfaction from this work.

Susan's older sister is a nurse and Susan, too, has expressed a strong interest in nursing as a career.

She has come to you today to learn more about the field of nursing and to obtain your recommendations on the good nursing schools in the state.

a) How would you handle this counseling session? What aspects of career decisions and vocational choice would you want to cover in this session? What career information would you share?

PERSONAL NOTES SUB-TEAM NOTES

b) What are the factors that Susan should consider in deciding whether or not to pursue the nursing career?

PERSONAL NOTES SUB-TEAM NOTES

SITUATION 4

Betty is just completing her junior year. She has no desire to attend college, and has expressed an interest in becoming a printer. Her father has been a printer in a large unionized printing company for over 20 years and, in Betty's opinion, is gainfully employed in an exciting job that offers a lot of freedom and limited responsibility. Betty feels that she too would like this kind of work and wants to enroll in a special printing vocational training program next year.

a) How would you handle this counseling session? What aspects of career decisions and vocational choice would you want to cover in this session? What career information would you share?

PERSONAL NOTES SUB-TEAM NOTES

b) What are the factors that Betty should consider in deciding whether or not to pursue the printing career?

PERSONAL NOTES SUB-TEAM NOTES

AFTER YOUR SUB-TEAM HAS COMPLETED SITUATIONS 3 AND 4, SHARE YOUR DECISIONS AND RECOMMENDATIONS WITH THE OTHER SUB-TEAM.

ACTIVITY III-2, ANALYZING A COUNSELING SESSION

The analysis of actual counseling sessions with students interested in pursuing careers was another aspect of the program created for counselors in the school.

In this phase of the workshop, counselors would be asked to listen to several excerpts from taped counseling sessions that had been especially created to heighten awareness of some of the sex fairness issues in career counseling.

Following is an excerpt from one of the counseling dialogues that will be used in the workshop.

WITHOUT DISCUSSION with the other members of your team, review the counseling session which follows; place a line under each section of the dialogue which you feel is a sex-biased comment or revealing of a sex stereotype. Mark only comments made by Mr. Stevens.

When you finish, in the space provided on page PW50, STILL WITHOUT DISCUSSION, write out some notes describing how you might have handled this counseling session differently. Be specific in the approaches you suggest. TIME: 15 minutes.

BACKGROUND

Mary Parks, a tenth grade student in your high school, has expressed a desire to enroll in the electrical trades program. Mary's teachers feel that while she is intelligent, she has not done particularly well academically. She is presently enrolled in several secretarial courses and finds the classes boring; she has said, on a number of occasions, that she just does not like sitting at a desk all day.

Mary comes from a long line of blue collar workers. Her grandfather was active in one of the building trades and her father has been an electrician for over 20 years.

Today, Mary is meeting for a second career counseling session with Mr. Stevens, her guidance counselor, to discuss different careers and the possibility of enrolling in the vocational education program.

Following is an excerpt from that discussion.

(continued)

COUNSELING SESSION

Mary Parks: Hi, Mr. Stevens. I'm here for my appointment.

Mr. Stevens: Of course, Mary. Come right in. How are things?

Mary Parks: Pretty good, Mr. Stevens.

Mr. Stevens: The last time we talked you were having difficulties in some of the secretarial classes you were taking. How are things going?

Mary Parks: They haven't changed much, I'm afraid, Mr. Stevens. My grades are about the same as they were last term, and that's not too good; it's not that I can't do the work - I think I can - it's just that I am . . . not really that interested in typing and the rest of that stuff.

Mr. Stevens: Hm . . .

Mary Parks: It's kind of hard to explain, Mr. Stevens. But, I've given it a lot of thought the last couple of weeks. I think mainly that I just don't like secretarial or office work. Sitting at a desk all day is just not my thing.

Mr. Stevens: That's too bad, Mary, because there are so many good opportunities for girls in secretarial work.

Mary Parks: I just don't think I would like it Mr. Stevens. You know, my sister has worked as a secretary for a big insurance company for many years and she just doesn't like the work much at all.

Mr. Stevens: Mary, I wonder whether you're aware that there are many different kinds of secretarial work. They don't all require typing all day.

Mary Parks: Well, I guess so . . . but Mr. Stevens, I have read through a few of those occupational pamphlets that you told me about last time we met and I realize that there are many different duties that a secretary performs but none of that work really appeals to me. I really don't care to work in an office. You know I really think I'd like to work with my hands.

Mr. Stevens: Okay, Mary, it's not too late to switch programs. Let's talk about a few other alternatives. You still have two more years of high school and a lot of time to develop other skills. If you are interested in working with your hands I wonder whether you would like to consider the nursing education program, or even the home health care program?

Mary Parks: Hm . . . Those might be interesting. I never really thought about nursing.

Mr. Stevens: The reason I suggested those programs to you, Mary, was because they do give you an opportunity to work with your hands and you are not confined to an office.

Mary Parks: Well, somehow, nursing doesn't really turn me on too much . . . This might surprise you, Mr. Stevens. I've been talking to my Dad . . . You know he's been an electrician for many years and he and I and my brothers have worked on a lot of different projects around the house. My Dad thinks I'm pretty good. As a matter of fact, he's told me that I learn real quick and really pick up quickly on that complicated electrical stuff. And, besides, I enjoy it; it's lots of fun.

Mr. Stevens: Oh . . . say . . . that is a surprise. I had no idea you were so interested in mechanical work; in fact, you're the first girl who ever expressed an interest in getting into the electrical trades.

Mary Parks: I'm not positive about it, but I really think that I'll like that kind of work.

Mr. Stevens: How do you think you would feel about being the only girl in the electrical trades program?

Mary Parks: I never really thought about that much; I always do these things with my father and brothers and I didn't really think much about the class.

Mr. Stevens: How does your boyfriend feel about it?

Mary Parks: I've been a little afraid to tell him.

Mr. Stevens: Okay, Mary, as long as you realize that if you go into that program and if you take up that kind of work, it may affect your entire life.

Mary Parks: Well, I do worry about that a little bit because some day I'd like to get married and have a family.

Mr. Stevens: Okay, Mary, that's really something that you should think about. Maybe it's something that you ought to talk over with your mother.

Mary Parks: I'll do that, Mr. Stevens. I'll talk to her about it tonight.

Mr. Stevens: And just one other thing, Mary. You may also want to give some thought to the difficulties that you may have in finding a job as an electrician. I think you ought to find out for yourself what work is like in the electrical field. Why don't you talk to a few electricians and speak to some employers in the area who hire electricians? I have a list of people here that you can use to get started.

Why don't we meet again next week after you've had a chance to think about some of the questions that we raised today.

(continued)

Mary Parks: Thanks very much Mr. Stevens. I'll see you next week.

Mr. Stevens: Goodbye, Mary.

Enter below your notes on how you would handle this counseling session differently.

When all members of your team have completed their personal thoughts, DISCUSS them.

First review the dialogue and circle all portions of it that your group feels indicate sex bias held by the counselor.

Then, discuss the approaches each person on your team recommends for handling the counseling session differently; in the space below, write an outline of an approach that your group feels would be appropriate. TIME: 15 minutes.

ACTIVITY III-3, ROLE PLAYS

In the final phase of the workshop being planned for counselors, they would be asked to practice counseling approaches. The group responsible for the design of the workshop materials has prepared a series of role plays to help counselors sharpen their ability to provide full sex fairness in their counseling approaches.

Once again, members of your task force have decided to review these role plays so that they, too, can sharpen their own counseling skills.

INSTRUCTIONS FOR ROLE PLAYS

In this segment of the workshop you will role play two counseling sessions with students.

In conducting these role plays follow the format suggested below:

1. Your team should divide itself into three separate sub-teams consisting of one or two people each.

2. In the first role play, one sub-team will play the role of the student and the second sub-team will be the counselor. The member(s) of the third sub-team will serve as an observer to the counseling session and will critique it at the conclusion of the role play.

3. Decide now who in your group will serve as the counselors, the students and the observers for the first role play.

4. This role play format will be somewhat different than the traditional role plays you might be used to; in these more than one person will be asked to play each role. To accomplish this, after you have arranged your sub-teams, you should first exchange ideas with the other person playing the role concurrently with yourself and develop a strategy jointly on how you feel the role should be played. During the actual role play, only one person on each sub-team could act as spokesperson for the sub-team, or if you prefer, you could jointly share this responsibility.

5. Allow about 10 minutes at the beginning of the role play for each sub-team to study its respective role and for the observer sub-team to study the critique sheet it will use to provide feedback at the conclusion of the role play. Then allow about 10 to 15 minutes for the role play discussion itself, and another 5 minutes for the debriefing critique which will be provided by the observer sub-team.

6. After your group has completed the first role play, it should then decide which sub-teams will handle the other roles during the second role play. Every sub-team should switch roles. In this way, during the two role plays, each sub-team will be given an opportunity to play two of the three roles (counselor, student, or observer).

7. The role play descriptions appear on the following pages. READ ONLY THE DESCRIPTION FOR THE ROLE YOU ARE PLAYING. BLANK PAGES APPEAR ON THE REVERSE SIDE OF EACH ROLE DESCRIPTION SHEET TO ALLOW YOU TO PULL YOUR SHEET OUT OF THIS WORKBOOK, IF YOU PREFER.

ROLE PLAY 1

Student Description

Diane Evans

You are Diane Evans and are just completing your junior year in high school. In most of your courses your grades are pretty good; in mathematics they are excellent. Your overall class average is about 87%.

Despite these good grades, several periods during the day you are enrolled in the secretarial training program in your school. You love typing; as a matter of fact, last year you won an award for the fastest, most accurate typist in the elementary typing program.

Because of your skills in both typing and your apparent abilities in math, you feel that you would like to do either statistical typing or typing for data processing input. As a data processing typist for example, you feel you could combine your skills as a typist with your interest in mathematics.

At your last meeting with your counselor, you were told that a recent interest and skill inventory you took confirmed your interest in office work and your abilities in mathematics.

Today you are meeting with your counselor to discuss different career programs that might be available to you after you complete high school.

ROLE PLAY 1

Counselor Description

Today, you are meeting with Diane Evans, who is just completing her junior year in your high school.

Overall, Diane is a good student (her class average is 87%); she excels in her mathematics classes and is one of the most capable people in the typing and secretarial program. She has been enrolled in that program for the last two years. Her secretarial teachers confirm that her skills as a typist are excellent; her math teachers say she does very well in their classes, too.

In previous counseling sessions, Diane has said that she would prefer to pursue her stenography and typing program and to consider employment as a statistical typist or keypunch operator. She also has mentioned that she likes to work with word processing equipment.

Today, you are meeting with Diane to discuss her career interests and to counsel her on the various career options available.

OBSERVER CRITIQUE GUIDE

Your job during the role play is to listen carefully to it and to take notes in response to the questions which follow. When the role play is finished you will provide feedback to the member(s) of the sub-team which played the counselor role on the effectiveness with which they handled it.

1. Did the counselor team focus on the interests and abilities of the student and allow the student to explore a variety of career choices? Cite specific evidence from the role play.

2. Did the counselor team exhibit any sex-bias? If so, cite specific examples.

3. Did the counselor team limit, in any way, the career options that might be appropriate for the student to pursue? If so, how?

4. Did the counselor team use questions appropriately to help the student formulate his or her career choice?

(continued)

5. Did the counselor team describe completely and fairly the requirements for work in the career choice finally selected by the student?

6. Other comments:

ROLE PLAY 2

Student Description

Lawrence McKay

You are Lawrence McKay; you are just completing your sophomore year in high school. Your grades, overall, are about average in most of your courses; your overall grade average is 83%.

Recently you took a series of career interest and aptitude inventories; your scores indicated a strong interest in working with people.

Several weeks ago, your counselor asked you what you might like to do, since you are rapidly approaching the age and the school grade where you should begin to think about career choices. While you had no particular career in mind, recently you saw a film in the school guidance office on nursing. You feel that men have good opportunities in nursing. You thought you could start in a nurse's aide program and hopefully progress into practical nursing.

You don't know too much about this work, though, other than it seems to be interesting and you might enjoy it.

ROLE PLAY 2

Counselor Description

Today, you are meeting with Lawrence McKay who is an average student in your school. Lawrence is just completing his sophomore year. His overall grade average is 83%. He is a student who is likely to jump around from job to job.

His parents are divorced and he has no brothers or sisters. Lawrence lives with his mother who is a factory worker in a nearby manufacturing firm. He sees his father infrequently.

In your last meeting with Lawrence, you asked him to think about the kinds of things that he may want to do after leaving school. You also asked him to complete a series of career interest and aptitude inventories. The results of those tests indicate that he has a strong interest in working with people.

Today, you are meeting with Lawrence to help him formulate his career plans.

OBSERVER CRITIQUE GUIDE

Your job during the role play is to listen carefully to it and to take notes in response to the questions which follow. When the role play is finished you will provide feedback to the member(s) of the sub-team which played the counselor role on the effectiveness with which they handled it.

1. **Did the counselor team focus on the interests and abilities of the student and allow the student to explore a variety of career choices? Cite specific evidence from the role play.**

2. Did the counselor team exhibit any sex-bias? If so, cite specific examples.

3. Did the counselor team limit, in any way, the career options that might be appropriate for the student to pursue? If so, how?

4. Did the counselor team use questions appropriately to help the student formulate his or her career choice?

(continued)

5. Did the counselor team describe completely and fairly the requirements for work in the career choice finally selected by the student?

6. Other comments: